



Control Number: 48358

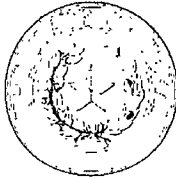


Item Number: 274

Addendum StartPage: 0

RECEIVED  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

# State Office of Administrative Hearings



PUBLIC UTILITY COMMISSION  
FILING CLERK

Lesli G. Ginn  
Chief Administrative Law Judge

April 11, 2019

**TO: Stephen Journey, Director**  
**Commission Advising and Docket Management**  
**William B. Travis State Office Building**  
**1701 N. Congress, 7th Floor**  
**Austin, Texas 78701**

VIA EMAIL

**RE: PUC Docket No. 48358; SOAH Docket No. 473-18-5064; Application of LCRA**  
**Transmission Services Corporation**

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this letter, the parties to this proceeding are being served with the PFD.

Please place this case on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date, as well as the deadlines for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

Sincerely,

Joanne Summerhays  
Administrative Law Judge

Enclosure  
cc: All Parties of Record

**SOAH DOCKET NO. 473-18-5064  
PUC DOCKET NO. 48358**

<b>APPLICATION OF LCRA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>TRANSMISSION SERVICES</b>	<b>§</b>	
<b>CORPORATION TO AMEND A</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF</b>
<b>AND NECESSITY FOR THE COOKS</b>	<b>§</b>	
<b>POINT 138-KV TRANSMISSION LINE</b>	<b>§</b>	
<b>IN BURLESON COUNTY, TEXAS</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**TABLE OF CONTENTS**

<b>I. INTRODUCTION AND SUMMARY .....</b>	<b>1</b>
<b>II. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY .....</b>	<b>3</b>
<b>III. PRELIMINARY ORDER ISSUES.....</b>	<b>5</b>
<b>A. Preliminary Order Issue No. 1.....</b>	<b>5</b>
<b>B. Preliminary Order Issue No. 2.....</b>	<b>6</b>
<b>1. How does the proposed facility support the reliability and adequacy of the interconnected transmission system? .....</b>	<b>7</b>
<b>2. Does the proposed facility facilitate robust wholesale competition? .....</b>	<b>8</b>
<b>3. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility? .....</b>	<b>8</b>
<b>4. Is the proposed facility needed to interconnect a new transmission service customer? .....</b>	<b>9</b>
<b>C. Preliminary Order Issue No. 3.....</b>	<b>9</b>
<b>D. Preliminary Order Issue No. 4.....</b>	<b>10</b>
<b>1. Effect of Granting Certificate on LCRA TSC and Any Electric Utility Serving the Proximate Area.....</b>	<b>12</b>
<b>2. Community Values .....</b>	<b>12</b>
<b>3. Recreational and Park Areas .....</b>	<b>16</b>
<b>4. Cultural, Aesthetic, and Historical Values.....</b>	<b>17</b>
<b>5. Environmental Integrity .....</b>	<b>19</b>
<b>6. Engineering Constraints .....</b>	<b>21</b>
<b>7. Costs .....</b>	<b>22</b>
<b>8. Use of Existing Corridors .....</b>	<b>23</b>

9.	Prudent Avoidance .....	24
10.	Additional Routing Concerns .....	25
11.	Summary of Routing Recommendation .....	27
E.	Preliminary Order Issue No. 5.....	27
F.	Preliminary Order Issue No. 6.....	28
G.	Preliminary Order Issue No. 7.....	28
H.	Preliminary Order Issue No. 8.....	30
IV.	CONCLUSION.....	30
V.	FINDINGS OF FACT, CONCLUSIONS OF LAW, .....	32
	AND ORDERING PARAGRAPHS.....	32
A.	Findings of Fact.....	32
B.	Conclusions of Law.....	48
C.	Ordering Paragraphs .....	49

**SOAH DOCKET NO. 473-18-5064  
PUC DOCKET NO. 48358**

<b>APPLICATION OF LCRA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>TRANSMISSION SERVICES</b>	<b>§</b>	
<b>CORPORATION TO AMEND A</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF</b>
<b>AND NECESSITY FOR THE COOKS</b>	<b>§</b>	
<b>POINT 138-KV TRANSMISSION LINE</b>	<b>§</b>	
<b>IN BURLESON COUNTY, TEXAS</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**PROPOSAL FOR DECISION**

**I. INTRODUCTION AND SUMMARY**

On May 31, 2018, Lower Colorado River Authority Transmission Services Corporation (LCRA TSC) filed an application (Application) to amend its Certificate of Convenience and Necessity (CCN) for the Proposed Cooks Point 138-kilovolt (kV) Transmission Line in Burleson County, Texas (Project). The Project is a new 138-kV transmission line that will connect a new load-serving electric substation located in the vicinity of the Cooks Point community in northern Burleson County (near the intersection of State Highway (SH) 21 and Farm-to-Market Road (FM) 1362) to either the existing Bluebonnet Electric Cooperative (BBEC) Lyle Wolz Substation or the BBEC Lyons Substation. The entire project will be approximately 17 to 23 miles in length, depending on the final route approved. LCRA TSC will install new transmission equipment at the new Cooks Point Substation, as well as at either the Lyle Wolz Substation or the Lyons Substation. The route alternatives under consideration in this proceeding have an estimated total cost ranging between approximately \$35 million and approximately \$44 million for transmission and substation facilities.

LCRA TSC identified 26 primary alternative routes (Routes 1-26) in its Application. During this proceeding, the staff (Staff) of the Public Utility Commission of Texas (Commission or PUC) and intervening parties identified three additional alternative routes configured from route segments proposed by LCRA TSC in the Application. The three additional routes are known as Modified Route 7, EC-1, and Staff RFI 1-1. The record evidence presented by LCRA TSC in the Application and its filed testimony provides cost estimates and land use and environmental data

for all 29 of these route alternatives, each of which, according to LCRA TSC's witnesses, satisfies the need for the Project and is viable and constructible.

Two routes have the most support from the parties: Route 7 (17.8 miles) and Route 12 (18.3 miles). Both routes utilize the Lyle Wolz Substation, rather than the Lyons Substation. Route 7 terminates at Cooks Point Substation alternative site 2, while Route 12 terminates at Cooks Point Substation alternative site 4.

At the time it filed its Application, and in accordance with the requirement in the Commission's CCN application form, LCRA TSC identified Route 7 as the route that best addressed the Commission's routing criteria.<sup>1</sup> Some intervenors have indicated support for this route. Commission Staff presented evidence in support of Route 12 as the route that best addresses the Commission's routing criteria. Most of the intervenors, including many parties that also support Route 7, support Route 12.<sup>2</sup> Staff and all parties that appeared and participated in the hearing on the merits support a route that uses the Lyle Wolz Substation. LCRA TSC's witnesses and Commission Staff's witness testified that all 29 routes under consideration are viable and meet the needs underlying the Project, including Route 7 and Route 12 (which, in addition to having the most support, are also the two least expensive routes).

Commission Staff supports the need for the Project and no intervening party presented any evidence to challenge the need for the Project. The only contested issue remaining in the docket is the route on which the Project should be approved and constructed.

---

<sup>1</sup> LCRA TSC Ex 1 (Application) at 24; LCRA TSC Ex 5 (Strycker Direct) at 11. LCRA TSC asserts that it has not "recommended" any route, rather it has only complied with Commission requirements by identifying the route that best addressed the Commission's routing criteria in response to Question 17 of the Application. The ALJs recognize that LCRA TSC does not advocate for any route. However, for ease of reference, the ALJs will refer to Route 7 as LCRA TSC's "recommended" route. By doing so, the ALJs only mean that it is the route LCRA TSC identified in response to Question 17 of the application.

<sup>2</sup> The only intervenors the ALJs identified as being opposed to Route 12 were Kenneth W. Hronek, Sr., Novella Autrey Hronek, Jason P. Hronek, and Sarah Hronek. According to the testimony filed on their behalf, these intervenors were opposed to any route that utilized either Cooks Point Substation alternative site 2 or Cooks Point Substation alternative site 4. Therefore, they opposed both Route 7 and Route 12, as well as all of the remaining alternative routes. However, none of these intervenors participated in the hearing. Therefore, their testimony was not submitted as an exhibit and was not admitted into the record.

After reviewing the evidentiary record, the factors set forth in PURA § 37.056(c), the factors in 16 Texas Administrative Code (TAC) § 25.101, and the issues identified in the Order of Referral and Preliminary Order, the Administrative Law Judges (ALJs) recommend approval of Route 12.

## II. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

**Jurisdiction and notice of the application are uncontested issues. These issues will therefore be addressed in the Findings of Fact and Conclusions of Law below.**

On July 27, 2018, the Texas Parks and Wildlife Department (TPWD) filed a letter containing its comments and recommendations regarding the Project.<sup>3</sup> On August 8, 2018, the Commission referred this case to the State Office of Administrative Hearings (SOAH) and identified a number of issues to be addressed.<sup>4</sup> On September 5, 2018, the ALJs convened a prehearing conference in this docket in Austin, Texas, at which time a procedural schedule was adopted. Consistent with that schedule, on September 10, 2018, LCRA TSC filed the direct testimonies of Kristian Koellner, P.E., Melinda Jensen, Jessica Melendez, P.E., and Justin Stryker in support of the Application.

More than 100 parties were granted intervention in this docket. Twenty-two intervenor direct testimonies or statements of position were filed on or about October 23, 2018.<sup>5</sup> Of the parties initially granted intervention, approximately 70 were dismissed from this docket for failure to file testimony or statements of position in accordance with the requirements of SOAH Order No. 2.<sup>6</sup> Commission Staff filed the direct testimony of its witness, Mr. Blake Ianni, on

---

<sup>3</sup> See Staff Ex 1, Attachment BPI-3 (letter from TPWD to Karen Hubbard, filed July 27, 2018)

<sup>4</sup> Order of Referral and Preliminary Order (Aug. 8, 2018) (Preliminary Order)

<sup>5</sup> In some instances, testimony was filed on behalf of numerous parties; hence, more than 22 intervening parties satisfied the requirement to file testimony or a statement of position.

<sup>6</sup> See SOAH Order No. 3 (Nov 15, 2018)

November 16, 2018. Thereafter, on December 7, 2018, LCRA TSC filed limited rebuttal testimony from each of its four witnesses.

A hearing on the merits convened before SOAH ALJs Joanne Summerhays and Rudy Calderon on January 8, 2019, and concluded that same day. The following parties made appearances, either personally or through their legal counsel, and participated in the hearing on the merits: LCRA TSC; Commission Staff; Atmos Energy Corporation, on behalf of Atmos Pipeline—Texas (Atmos); Mary Goff; DCP Intrastate Network; William A. Lange, Jr. (representing the Lange family properties); Leda Williams; Robert Tolar (representing himself and Jim Siptak); Ol' Army Ranch, LLC; Leroy Kazmir; Donald Krause; Elaine Mitchell; Marshall A. Harrell, Jr.; Christopher and Christel Chmelar; Kate O'Keefe and the O'Keefe and Hoot Family Limited Partnership;<sup>7</sup> John Adams (representing himself and Sherry Adams; T.L. and June Calvin; and Rhonda and David Wolz); and Key Energy Services, LLC (Key Energy). Two additional self-represented intervenors, Joel Wayne Pembleton and Lampe Partners, LP, did not appear but had their direct testimony submitted by another party without objection.

On January 8, 2019, Atmos submitted Atmos Exhibit 2, which was intended to provide optional completeness to LCRA TSC's Exhibit 29 pursuant to the ALJs' ruling on optional completeness during the hearing on the merits.<sup>8</sup> No objections were filed, and Atmos Exhibit 2 is admitted. The evidentiary record closed on January 10, 2019, and the hearing record closed on February 15, 2019, after the filing of closing written arguments and proposed findings of fact and conclusions of law.

---

<sup>7</sup> Ol' Army Ranch, LLC, Leroy Kazmir, Donald Krause, Elaine Mitchell, Marshall A. Harrell, Jr., Christopher and Christel Chmelar, and Kate O'Keefe and the O'Keefe and Hoot Family Limited Partnership are collectively referred to as the Eastern Coalition (EC).

<sup>8</sup> SOAH Order No. 7.



### III. PRELIMINARY ORDER ISSUES

#### A. Preliminary Order Issue No. 1

*Is LCRA TSC's application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation?*

The Commission's Order No. 2 deemed LCRA TSC's Application sufficient and materially complete.<sup>9</sup> No party submitted evidence challenging the sufficiency of LCRA TSC's Application. The record evidence establishes that LCRA TSC's Application is adequate.<sup>10</sup>

LCRA TSC witnesses Ms. Jensen and Mr. Stryker testified regarding the adequacy of the routes proposed by LCRA TSC.<sup>11</sup> According to Ms. Jensen, LCRA TSC initially developed and evaluated 26 geographically diverse alternative routes (Routes 1-26), comprising 84 primary alternative route segments that could be combined into a wide variety of alternate routes.<sup>12</sup> Ms. Jensen and Ms. Stryker explained that three additional routes (Modified Route 7, EC-1, and Staff RFI 1-1) were identified from combinations of alternative route segments presented in the Application.<sup>13</sup> No party raised a route adequacy challenge.

The record evidence supports a finding that the Application is sufficient and contains an adequate number of reasonably differentiated alternative routes for the Commission to conduct a proper evaluation.

---

<sup>9</sup> PUC Order No. 2, Addressing Sufficiency of Application and Establishing Procedural Schedule (June 21, 2018)

<sup>10</sup> LCRA TSC Ex. 1; *see also* 16 Tex. Admin. Code (TAC) § 22.75(d)(2) (deeming application sufficient if no written order finding a material deficiency is issued within 35 days after filing of the application).

<sup>11</sup> LCRA TSC Ex. 8 (Jensen Direct) at 19, LCRA TSC Ex. 5 (Stryker Direct) at 11.

<sup>12</sup> LCRA TSC Ex. 8 (Jensen Direct) at 9-10.

<sup>13</sup> LCRA TSC Ex. 12 (Jensen Rebuttal) at 5; LCRA TSC Ex. 9 (Stryker Rebuttal) at 4

**B. Preliminary Order Issue No. 2**

*Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a) taking into account the factors set out in PURA § 37.056(c)? In addition,*

- a) How does the proposed facility support the reliability and adequacy of the interconnected transmission system?*
- b) Does the proposed facility facilitate robust wholesale competition?*
- c) What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility?*
- d) Is the proposed facility needed to interconnect a new transmission service customer?*

The record evidence establishes the Project is necessary for the service, accommodation, convenience, and safety of the public. As LCRA TSC's witness Kristian Koellner, P.E, testified, the Cooks Point Substation is planned to serve an area remote from BBEC's existing facilities at the edge of its service territory and is needed to ensure that electric service needs for present and future customers within the area are met in a reliable, efficient, and cost-effective manner. The evidence established that the Project is needed to meet the existing and forecasted retail electric service demand of customers in Burleson County and to address reliability risks associated with continuing to serve the area's electric load requirements using the existing load-serving substations.<sup>14</sup>

Mr. Koellner explained that, without the Project, over time the increasing load will outstrip the distribution system's ability to perform at levels required by utility planning criteria.<sup>15</sup> Low voltage conditions and overloaded conductors will occur that place customer load at risk of outage, damage, or faulty operation.<sup>16</sup> Mr. Koellner warned that, without the Project, an excessive amount of voltage-regulating equipment would also be required, leading to complexity, operation and maintenance concerns, and the potential for miscoordination.<sup>17</sup> At the transmission level, without

---

<sup>14</sup> LCRA TSC Ex. 6 (Koellner Direct) at 22

<sup>15</sup> LCRA TSC Ex. 6 (Koellner Direct) at 21.

<sup>16</sup> LCRA TSC Ex. 6 (Koellner Direct) at 21

<sup>17</sup> LCRA TSC Ex. 6 (Koellner Direct) at 21.

this project and the BTU transmission project connecting the Steele Store Substation to the proposed new Cooks Point Substation, over 20 megawatts (MW) of peak customer load would be subject to interruption due to the loss of a single transmission element.<sup>18</sup> Mr. Koellner opined that a post-contingency overload of the Gay Hill to Lyons transmission line would also occur by 2023 based on Electric Reliability Council of Texas (ERCOT) Regional Transmission Plan (RTP) findings.<sup>19</sup>

Staff's witness, Mr. Ianni, agreed the Project is needed.<sup>20</sup> Burleson County and the City of Caldwell each adopted resolutions supporting the need for the Project.<sup>21</sup> No party challenged the need for the Project and there is no record evidence disputing its need. Therefore, the ALJs find the evidence supported the need for the Project.

**1. How does the proposed facility support the reliability and adequacy of the interconnected transmission system?**

Without the Project, Mr. Koellner testified, BBEC and LCRA TSC have determined that load growth in the area will likely cause future violations of their distribution and transmission planning criteria.<sup>22</sup> Specifically, based on the load forecast for the area, he explained, likely BBEC distribution system criteria violations include: (1) an inability to maintain voltages meeting ANSI C84.1 Range A limits under normal operating conditions; (2) loads in excess of optimum conductor loading levels on distribution feeders; and (3) the need for an excessive number of voltage regulators.<sup>23</sup> Absent the Project (and the referenced BTU transmission project), LCRA TSC transmission system criteria violations include the interruption of more than 20 MW of peak load due to the loss of a single transmission element.<sup>24</sup>

---

<sup>18</sup> LCRA TSC Ex. 6 (Koellner Direct) at 21.

<sup>19</sup> LCRA TSC Ex. 6 (Koellner Direct) at 21

<sup>20</sup> Staff Ex. 1 (Ianni Direct) at 14-15

<sup>21</sup> LCRA TSC Ex. 5 (Stryker Direct) at 14; LCRA TSC Ex. 1, Environmental Assessment (EA), Appendix A at A81-A84.

<sup>22</sup> LCRA TSC Ex. 6 (Koellner Direct) at 8-9.

<sup>23</sup> LCRA TSC Ex. 6 (Koellner) Direct at 9.

<sup>24</sup> LCRA TSC Ex. 6 (Koellner) Direct at 9.

LCRA TSC presented the Project (including all transmission alternatives considered and addressed in response to Question 15 of the Application) for review by ERCOT staff and the ERCOT Regional Planning Group (RPG) on July 8, 2016.<sup>25</sup> ERCOT market participants BBEC, BTU, and Oncor Electric Delivery Company (Oncor), as well as the City of Caldwell, all filed comments supporting the recommended alternative during the ERCOT RPG review process.<sup>26</sup>

**2. Does the proposed facility facilitate robust wholesale competition?**

According to Mr. Koellner, the Project is needed to address reliability needs of existing and future consumers based on actual and forecasted electric load and identified system limitations in meeting this electric load; thus, it is not specifically intended for the purpose of facilitating wholesale competition.<sup>27</sup> There is no evidence in the record regarding the Project's impact on wholesale competition.

**3. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility?**

As detailed by Mr. Koellner, LCRA TSC presented the Project (including all transmission alternatives considered and noted in response to Question 15 of the Application) for review by ERCOT staff and the ERCOT RPG on July 8, 2016.<sup>28</sup> Following its review, ERCOT staff designated the Project as a Tier 4 Neutral Project on July 7, 2017.<sup>29</sup> ERCOT staff determined the Project will not result in any violations of North American Electric Reliability Corporation or ERCOT performance requirements.<sup>30</sup> Further, after the RPG review was completed, the Project's recommended transmission alternative was identified by ERCOT staff during the 2017 RTP as a transmission element that will mitigate a reliability constraint identified within the Project area.<sup>31</sup>

---

<sup>25</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9.

<sup>26</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9.

<sup>27</sup> LCRA TSC Ex. 6 (Koellner Direct) at 22.

<sup>28</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9.

<sup>29</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9.

<sup>30</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9.

<sup>31</sup> LCRA TSC Ex. 6 (Koellner Direct) at 9-10.

**4. Is the proposed facility needed to interconnect a new transmission service customer?**

According to LCRA TSC's witnesses, the Project is needed to address reliability needs of existing and future end-use consumers based on actual and forecasted electric load and identified system limitations in meeting this electric load.<sup>32</sup> Accordingly, the Project is not needed to interconnect a new transmission service customer.

**C. Preliminary Order Issue No. 3**

*Is the transmission project the better option to meet this need when compared to employing distribution facilities? If LCRA TSC is not subject to the unbundling requirements of PURA § 39.051, is the project the better option to meet the need when compared to a combination of distributed generation and energy efficiency?*<sup>33</sup>

LCRA TSC and BBEC considered a distribution-only alternative.<sup>34</sup> The record evidence establishes that distribution alternatives are not adequate to resolve the need for the Project.

Mr. Koellner pointed out that a distribution system-only alternative would require multiple projects to significantly upgrade existing facilities.<sup>35</sup> Beyond 2020, these distribution system improvements would no longer provide acceptable results because criteria violations would reoccur.<sup>36</sup> Furthermore, with an anticipated timeframe of four years to complete the distribution system improvements, LCRA TSC contends the improvements would not be sufficient by the time of completion.<sup>37</sup>

---

<sup>32</sup> LCRA TSC Ex. 6 (Koellner Direct) at 22

<sup>33</sup> LCRA TSC is subject to the unbundling requirements of PURA § 39.051, accordingly, this sub-issue does not apply. See LCRA TSC Ex. 6 (Koellner Direct) at 23. Moreover, the record evidence establishes that the problems identified for the area are not generation capacity-based limitations, nor are the electric load levels small enough to consider distributed generation as an economic, long-term, equal value solution. *Id.*

<sup>34</sup> LCRA TSC Ex. 6 (Koellner Direct) at 14

<sup>35</sup> LCRA TSC Ex. 6 (Koellner Direct) at 14

<sup>36</sup> LCRA TSC Ex. 1 (Application) at 22.

<sup>37</sup> LCRA TSC Ex. 1 (Application) at 22

Accordingly, BBEC and LCRA TSC determined that a new load-serving substation is needed in the northeastern portion of the BBEC service territory in the vicinity of the Cooks Point community. Mr. Koellner testified that the proposed Cooks Point Substation is projected to serve 16 MW of load in 2021 and 21 MW in 2023.<sup>38</sup> Staff's witness agreed that the Project is the better option for meeting the needs in the project area.<sup>39</sup> No party submitted evidence challenging this conclusion.

**D. Preliminary Order Issue No. 4**

*Which proposed transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 Tex. Admin. Code (TAC) § 25.101(b)(3)(B)?*

Ms. Jensen, who is a Senior Project Manager for URS Corporation (URS) and has an extensive background in environmental planning and assessment for transmission lines, testified that LCRA TSC retained URS to perform and prepare an Environmental Assessment (EA) and routing study for the Project, which she, as Project Manager, oversaw.<sup>40</sup> She noted that the URS Project Team included professionals with expertise in different environmental and land use disciplines (geology/soils, hydrology/water quality, terrestrial ecology, wetland ecology, land use/aesthetics, and cultural resources) who were involved in data acquisition, routing analysis, and environmental assessment for the Project.<sup>41</sup> She explained that, to identify preliminary alternative route segments for the Project, URS delineated a study area, sought public official and agency input, gathered data regarding the study area, performed constraints mapping, identified preliminary alternative route segments and alternative substation sites, and reviewed and adjusted the preliminary alternative route segments and alternative substation sites following field reconnaissance and the open house meeting.<sup>42</sup>

---

<sup>38</sup> LCRA TSC Ex. 1 (Application) at 22; LCRA TSC Ex. 6 (Koellner Direct) at 14.

<sup>39</sup> Staff Ex. 1 (Ianni Direct) at 14-15.

<sup>40</sup> LCRA TSC Ex. 8 (Jensen Direct) at 3-6, Ex. MLJ-1

<sup>41</sup> LCRA TSC Ex. 8 (Jensen Direct) at 6

<sup>42</sup> LCRA TSC Ex. 8 (Jensen Direct) at 7.

From the preliminary alternative route segments, Ms. Jensen explained, URS and LCRA TSC identified 26 reasonable, feasible primary alternative routes.<sup>43</sup> She noted that URS considered a variety of information, including input from the public and public officials, geographic diversity within the study area, and an inventory and tabulation of a number of environmental and land use criteria.<sup>44</sup> She stated that LCRA TSC reviewed the primary alternative routes with regard to cost, construction, engineering, and right-of-way (ROW) maintenance issues and constraints, and conducted field reviews.<sup>45</sup> According to Ms. Jensen, the route development process produced an acceptable number of alternatives, all of which comply with the routing requirements of PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance.<sup>46</sup> Mr. Stryker added that, at the time it filed its Application, and in accordance with the requirement in the Commission's CCN application form, LCRA TSC identified Route 7 as the route that best addressed the Commission's routing criteria for the reasons included in response to Question 17 of the Application.<sup>47</sup>

During this proceeding, three additional routes utilizing existing route segments presented in LCRA TSC's Application were identified: Modified Route 7, EC-1, and Staff RFI 1-1. This brought the total number of potential alternative routes identified in this proceeding to 29. LCRA TSC's witnesses testified that all 26 routes proposed by LCRA TSC in its Application, as well as the three alternative routes identified after the Application was filed (Modified Route 7, EC-1, and Staff RFI 1-1) are viable and constructible route alternatives that address the purpose and need for the Project.<sup>48</sup> According to LCRA TSC's witnesses, all 29 routes can be feasibly constructed, operated, and maintained by LCRA TSC.<sup>49</sup> LCRA TSC's witnesses confirmed that all 29 routes under consideration, including the 26 presented in the Application and the three

---

<sup>43</sup> LCRA TSC Ex. 8 (Jensen Direct) at 10.

<sup>44</sup> LCRA TSC Ex. 8 (Jensen Direct) at 7-11.

<sup>45</sup> LCRA TSC Ex. 8 (Jensen Direct) at 11.

<sup>46</sup> LCRA TSC Ex. 8 (Jensen Direct) at 13.

<sup>47</sup> LCRA TSC Ex. 1 (Application) at 24; LCRA TSC Ex. 5 (Stryker Direct) at 11.

<sup>48</sup> LCRA TSC Ex. 12 (Jensen Rebuttal) at 5, LCRA TSC Ex. 9 (Stryker Rebuttal) at 4.

<sup>49</sup> LCRA TSC Ex. 11 (Melendez Rebuttal) at 9, LCRA TSC Ex. 12 (Jensen Rebuttal) at 6, LCRA TSC Ex. 9 (Stryker Rebuttal) at 4.

alternative routes identified after the Application was filed, comply with the routing requirements of PURA § 37.056(c)(4) and 16 TAC § 25.101.<sup>50</sup>

Commission Staff contends that Route 12 is the route that best meets the criteria set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B).<sup>51</sup> LCRA TSC does not dispute Staff's contention.<sup>52</sup> All of the Intervenors who submitted evidence at the hearing either expressly support Route 12<sup>53</sup> or do not object to it. As described and analyzed below, the ALJs conclude that the evidence supports Route 12 as the best route for the Project.

**1. Effect of Granting Certificate on LCRA TSC and Any Electric Utility Serving the Proximate Area**

Electric utilities serving the proximate area of the Project include the City of Caldwell Utilities, BBEC, BTU, and ETI.<sup>54</sup> Mr. Koellner testified that electric service requirements for many current and future end-use customers within the area will be met by BBEC with the installation of the new electric load-serving substation associated with the Project. Mr. Koellner explained that the new substation will provide the electrical source to supply existing and future electrical loads in the area. The new substation will also increase the reliability of service to the broader area. Because of these significant benefits, Mr. Koellner noted, ERCOT market participants BBEC and BTU, along with the City of Caldwell, support the Project.<sup>55</sup>

**2. Community Values**

PURA § 37.056(c)(4)(A) requires consideration of impacts of proposed transmission facilities on community values. While "community values" is not formally defined in statute or rule, the Commission has previously defined community values as "a shared appreciation of an

---

<sup>50</sup> LCRA TSC Ex 5 (Stryker Direct) at 11-12; LCRA TSC Ex 9 (Stryker Rebuttal) at 4

<sup>51</sup> Staff Ex 1 (Ianni Direct) at 32-33

<sup>52</sup> Tr. at 50 (Stryker Testimony)

<sup>53</sup> *E.g.* Tr. at 64 (Mark Turnbough Testimony for EC), LCRA TSC Ex 24 (Atmos RFI Responses to LCRA TSC 2-10); Lange Family Post-Hearing Brief at 1, Key Energy Post-Hearing Brief, Tr. at 59 (Kevin Williams Testimony), DCP Intrastate Network, LLC Post Hearing Brief.

<sup>54</sup> LCRA TSC Ex 5 (Stryker Direct) at 8.

<sup>55</sup> LCRA TSC Ex 6 (Koellner Direct) at 9.



area or other mutual resource by a national, regional, or local community.”<sup>56</sup> Some issues often considered “community values” are also evaluated separately according to statute and Commission rules. In considering the potential impacts of the Project on the community within the study area, LCRA TSC contends it made a reasonable effort to identify alternative routes, segments, and potential routing modifications that accounted for and addressed community values, along with other statutory and regulatory criteria.

One means of measuring the impact of the proposed transmission line on the community is a consideration of how close the line is to habitable structures. The Commission’s rules mandate that a utility give notice to any landowner who has a habitable structure within 300 feet of the centerline. Thus, the number of structures 300 feet from the centerline provides some objective data to assist in determining how the proposed transmission line may affect a community.

To identify community values in the area of the Project, LCRA TSC gathered information in a variety of ways. Early in the development of the Project, LCRA TSC and URS solicited input from federal, state, and local government agencies and officials.<sup>57</sup> LCRA TSC held a public open house meeting for the Project on January 30, 2018, at the City of Caldwell Civic Center in Caldwell, Texas.<sup>58</sup> According to LCRA TSC’s Application, the purpose of the open house meeting was to solicit input from landowners, public officials, and other interested persons about the Project, the preliminary alternative route segments, and the alternative substation sites.<sup>59</sup> Further, LCRA TSC explained in its Application, the open house meeting was designed to promote a better understanding of the Project, including the purpose, need, potential benefits and impacts, and PUC certification process; inform the public with regard to the routing procedure, schedule, and route

---

<sup>56</sup> *Joint Application of Electric Transmission Texas, LLC and Sharyland Utilities to Amend Their Certificates of Convenience and Necessity for the North Edinburg to Loma Alta Double-Circuit 345-kV Transmission Line in Hidalgo and Cameron Counties, Texas*, Docket No. 41606, Order at 8-9, Finding of Fact No. 51 (Apr. 11, 2014)

<sup>57</sup> LCRA TSC Ex. 1 (EA) at 2-46

<sup>58</sup> LCRA TSC Ex. 5 (Stryker Direct) at 12; LCRA TSC Ex. 1 (Application) at 28.

<sup>59</sup> LCRA TSC Ex. 1 (EA) at 3-2 (Section 3.3)

approval process; and gather and understand the values and concerns of the public and community leaders.<sup>60</sup>

LCRA TSC presented evidence that 159 people signed in as attending the public open house meeting.<sup>61</sup> LCRA TSC's evidence revealed that attendees were provided questionnaires, and LCRA TSC received a total of 78 completed questionnaires.<sup>62</sup> After the public open house meeting, Burleson County and the City of Caldwell each passed a resolution supporting the need for the Project and expressing routing and substation preferences.<sup>63</sup>

According to LCRA TSC, the concerns generally expressed by the public in the questionnaires regarding the Project were primarily about maximizing the distance of a transmission line from residences.<sup>64</sup> In addition to that concern, the other most commonly expressed concerns included maintaining reliable electric service, paralleling other existing compatible ROW (such as roads or highways), and paralleling other existing transmission line ROW if possible.<sup>65</sup> There was a limited number of negative comments about specific segments, with the most received for any segment being six, which were directed toward Segment Y2.<sup>66</sup> According to LCRA TSC, more positive comments about segments were expressed than negative comments, and Segments T and L received the highest number of positive comments (seven) from the public on the questionnaires.<sup>67</sup>

The public feedback received by LCRA TSC was evaluated and considered in determining the routes to be included in the Application. Based on input, comments, information received at and following the open house meeting, and additional analyses conducted by LCRA TSC and

---

<sup>60</sup> LCRA TSC Ex 1 (EA) at 3-2 (Section 3.3)

<sup>61</sup> LCRA TSC Ex. 5 (Stryker Direct) at 13, LCRA TSC Ex 1 (Application) at 29

<sup>62</sup> LCRA TSC Ex 5 (Stryker Direct) at 13, LCRA TSC Ex 1 (Application) at 29.

<sup>63</sup> LCRA TSC Ex 5 (Stryker Direct) at 14; LCRA TSC Ex. 1 (Application) Appendix A at A81-A84.

<sup>64</sup> LCRA TSC Ex 1 (EA) at 4-24.

<sup>65</sup> LCRA TSC Ex 1 (EA) at 3-4, 3-5.

<sup>66</sup> LCRA TSC Ex 1 (EA) at 3-4 (esp Table 3-1).

<sup>67</sup> LCRA TSC Ex 1 (EA) at 3-4 (esp Table 3-1)

URS, Ms. Jensen testified, eight preliminary alternative route segments were modified, eight preliminary alternative route segments were deleted, and six alternative route segments were added.<sup>68</sup> Section 3.4 of the EA describes the route segment modifications implemented after the open house meeting.

Some commenters and Intervenor raised concerns about the construction and operation of the Project in residential areas and/or in proximity to habitable structures. Ms. Jensen testified that the study area was primarily rural with concentrations of residential and commercial development within the City of Caldwell and along SH 21 and SH 36.<sup>69</sup> She noted that the predominant land use within the study area was undeveloped or agricultural land.<sup>70</sup> According to the EA, none of the identified routes traverse a heavily populated residential area. Whenever possible, LCRA TSC and URS avoided identifying alternative route segments near habitable structures.<sup>71</sup> Accordingly, given the length of the routes, a relatively small number of habitable structures are located within 300 feet of the centerline of any specific route.

Route 5 has the greatest number of habitable structures within 300 feet of the centerline, at 63.<sup>72</sup> The least number of habitable structures within 300 feet of the centerline on any route is 18 (on Routes 15 and 23).<sup>73</sup> Route 7 (LCRA TSC's recommended route) has a total of 42 habitable structures within 300 feet of the centerline, and Route 12, which is supported or unopposed by most parties, has 28 habitable structures within 300 feet of the centerline.<sup>74</sup>

Route 12 reflects a relatively low number of habitable structures within 300 feet of the centerline in comparison to the other routes, only ten more than the route that impacts the least

---

<sup>68</sup> LCRA TSC Ex. 8 (Jensen Direct) at 12

<sup>69</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>70</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>71</sup> LCRA TSC Ex. 1 (EA) at 4-16 (Section 4.7.1).

<sup>72</sup> LCRA TSC Ex. 8 (Jensen Direct) at 14-15.

<sup>73</sup> LCRA TSC Ex. 4, Route Estimated Costs and Land Use and Environmental Data (Data Summary)

<sup>74</sup> LCRA TSC Ex. 4 (Data Summary).

habitable structures, and significantly less than the number of structures (42) impacted by the route identified by LCRA TSC as meeting the most statutory and regulatory criteria (Route 7). Therefore, the ALJs conclude that Route 12 is better positioned than Route 7 in regard to the most significant measurable data pertaining to community values. The other issues that pertain to community values, such as aesthetics, parks, and ROW, are discussed separately below.

### **3. Recreational and Park Areas**

There are very few park and recreational areas throughout the study area. Park and recreational areas within the study area are described in Section 4.7.3 of the EA and depicted on Table 4-1.<sup>75</sup> None of the alternative routes directly cross any park or recreational areas as defined by the Commission's Standard Application for a CCN.<sup>76</sup> There are only two park or recreational areas located within 1,000 feet of the centerline of any of the alternative routes: the Copperas Hollow Country Club and Texas Department of Transportation (TxDOT) Rest Area 2.<sup>77</sup> Thus, no route has more than two park or recreational areas within 1,000 feet of its centerline.

Routes 1, 2, 3, 14, 16, 18, 25, and 26 are within 1,000 feet of TxDOT Rest Area 2.<sup>78</sup> Routes 1, 2, 3, 5, 7, 9, 17, 25, 26 and Modified Route 7 are within 1,000 feet of Copperas Hollow Country Club.<sup>79</sup> LCRA TSC noted in its Application that, during construction, minor and temporary disruption to recreational users of the rest area and Copperas Hollow Country Club may occur; however, long-term impacts are not anticipated.<sup>80</sup> Upon project completion, recreational activities within these areas would be anticipated to resume. No evidence was submitted to

---

<sup>75</sup> LCRA TSC Ex 1 (EA) at 4-19 (Section 4.7.3)

<sup>76</sup> LCRA TSC Ex 1 (EA) at 4-19 (Section 4.7.3), LCRA TSC Ex 4 (Data Summary)

<sup>77</sup> LCRA TSC Ex. 1 (EA) at 4-19 (Section 4.7.3), LCRA TSC Ex 4 (Data Summary).

<sup>78</sup> LCRA TSC Ex 1 (EA) at 4-19 (Section 4.7.3), LCRA TSC Ex 4 (Data Summary).

<sup>79</sup> LCRA TSC Ex. 1 (EA) at 4-19 (Section 4.7.3), LCRA TSC Ex 4 (Data Summary)

<sup>80</sup> LCRA TSC Ex 1 (EA) at 4-19 (Section 4.7.3), LCRA TSC Ex. 4 (Data Summary)

contravene LCRA TSC's assertion that no significant impacts to the use of the parks and recreation facilities located within the study area are anticipated from any of the primary alternative routes.<sup>81</sup>

#### **4. Cultural, Aesthetic, and Historical Values**

The number of known or recorded historic or prehistoric archaeological sites and cemeteries within 1,000 feet of the ROW of each proposed route is summarized in LCRA TSC Exhibit 4. Based on the background review, LCRA TSC and URS found that no previously recorded cultural resources sites are crossed by a primary alternative route.

URS identified 14 cultural resources sites as being within 1,000 feet of a primary alternative route.<sup>82</sup> These cultural resources included six Official Texas Historic Markers (OTHM)s and eight cemeteries.<sup>83</sup> Two of these cemeteries (Kramer Cemetery and SPJST Cemetery) have been designated as Historic Texas Cemeteries (HTCs).<sup>84</sup> The minimum number of cultural resource sites within 1,000 feet of the centerline of any route is two, while the maximum is 11.<sup>85</sup> Routes 7 and 12 both have only two cultural resource sites within 1,000 feet of their centerline.<sup>86</sup>

A total of five archaeological sites are located within 1,000 feet of a primary alternative route.<sup>87</sup> None of the sites have been determined eligible for listing in the National Register of Historic Places or for designation as a State Antiquities Landmark.<sup>88</sup> However, Kramer Cemetery is designated as a HTC. This site is located 256 feet from the nearest route and would therefore

---

<sup>81</sup> LCRA TSC Ex. 1 (EA) at 4-19-20 (Section 4.7.3), LCRA TSC Ex. 4 (Data Summary).

<sup>82</sup> LCRA TSC Ex. 1 (EA) at 4-26 (Sections 4.8 and 4.8.1)

<sup>83</sup> LCRA TSC Ex. 1 (EA) at 4-26 (Section 4.8.1).

<sup>84</sup> LCRA TSC Ex. 1 (EA) at 4-26 (Section 4.8.1).

<sup>85</sup> LCRA TSC Ex. 4 (Data Summary).

<sup>86</sup> LCRA TSC Ex. 4 (Data Summary)

<sup>87</sup> LCRA TSC Ex. 1 (EA) at 4-27 (Section 4.8.2).

<sup>88</sup> LCRA TSC Ex. 1 (EA) at 4-27 (Section 4.8.2)

not be impacted by construction.<sup>89</sup> Because a cultural resources survey has not yet been conducted, it is unknown whether construction of the transmission line would impact any unidentified archaeological resources. Therefore, an archaeological survey would need to be conducted following approval of a route. Any of the routes proposed for the Project will have some temporary and permanent aesthetic impacts.

In order to provide an assessment of archaeological site sensitivity for the project, a predictive model was developed on the basis of landform, soil type, distance from water sources, extant site distributions, and proximity to the El Camino Real de Los Tejas National Historic Trail.<sup>90</sup> From this data, the study area was divided into areas of high, moderate, and low potential for prehistoric archaeological sites.<sup>91</sup> High Potential Areas (HPAs) possess the greatest potential for containing cultural resource sites.<sup>92</sup> Of all the proposed alternative routes, Route 12 has the lowest percentage of line that crosses HPAs, with only 6.6 percent of the route crossing HPAs, while Route 26 has the highest, at 77.7 percent.<sup>93</sup> In comparing the two routes with the most support, Route 12 crosses HPAs for only 1.2 miles, compared to Route 7 which crosses HPAs for 9.3 miles.

One measure of aesthetic values is the length of ROW that is within the foreground visual zone of U.S. and state highways, FM roads, and parks and recreational areas. A measure of this for each route is presented in LCRA TSC Exhibit 4. Route 26 has the longest length within the foreground visual zone of U.S. and State highways, at approximately 16.8 miles, while Route 20 has the shortest length, approximately 4.3 miles.<sup>94</sup> Route 3 has the longest length, approximately 3.5 miles, within the foreground visual zone of parks or recreational areas, while Routes 4, 10, 19,

---

<sup>89</sup> LCRA TSC Ex. 1 (EA) at 4-27 (Section 4.8.2)

<sup>90</sup> LCRA TSC Ex. 1 (EA) at 4-28

<sup>91</sup> LCRA TSC Ex. 1 (EA) at 4-28. According to LCRA TSC's Application, this assessment was intended to facilitate the initial planning/routing study and did not attempt to identify all archaeologically sensitive landforms. *Id.*

<sup>92</sup> LCRA TSC Ex. 1 (EA) at 4-28.

<sup>93</sup> LCRA TSC Ex. 1 (EA) at 4-30, 4-31

<sup>94</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

and 20 have the shortest length, zero miles.<sup>95</sup> The lengths of each primary alternative route segment and primary alternative route within the foreground visual zone of U.S. and State highways and parks or recreational areas are presented in Appendices E and F of the EA. Routes 12 and 7 have similar impacts in terms of the number of miles within the visual foregrounds of zone of U.S. and state highways, FM roads, and parks and recreational areas.

Staff recommends the use of the Commission's frequently adopted ordering language to mitigate the potential impacts on cultural and historic sites which may be discovered after the route is approved.<sup>96</sup>

## **5. Environmental Integrity**

The impacts on environmental integrity from the Project are discussed in detail in the EA and summarized in Section 4.5.2.5 of the EA. According to Ms. Jensen, the Project has the potential to impact habitat for the federally listed endangered Houston toad.<sup>97</sup> She noted that, of the primary alternative routes within the study area, Routes 11 and 12 cross the least amount of modeled optimal Houston toad habitat, with approximately 0.21 mile and 0.32 mile, respectively.<sup>98</sup> Routes 6 and 10 cross the most optimal Houston toad habitat, with approximately 3.18 miles and 5.30 miles, respectively.<sup>99</sup> Ms. Jensen pointed out that the lengths of potential Houston toad habitat crossed by each primary alternative route segment and each primary alternative route are presented in Appendices E and F of the EA. She stated that coordination with the U.S. Fish and Wildlife Service (USFWS) may be required if suitable habitat is observed during the field survey of the

---

<sup>95</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>96</sup> Staff Ex. 1 (Application) at 10 ("In the event that LCRA or its contractors encounter any archaeological artifacts or other cultural resources during project construction, work shall cease immediately in the vicinity of the resource and the discovery shall be reported to the Texas Historical Commission (THC). LCRA shall take action as directed by the THC."); *see also*, *Joint Application of AEP Texas North Company and Electric Transmission Texas, LLC to Amend Their Certificates of Convenience and Necessity for the AEP TNC Heartland to ETT Yellowjacket 138-kV Transmission Line in McCulloch and Menard Counties*, Docket No. 46234, Ordering Paragraph No. 5 (Aug. 31, 2017) (adopting similar ordering language).

<sup>97</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>98</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>99</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

PUC-approved route. In addition to the potential impacts discussed above, Ms. Jensen opined, the Project may cause short term impacts to soil, water, and ecological resources.<sup>100</sup>

Commission Staff's witness Mr. Ianni noted that TPWD expressed particular concern with segments G2, X2, and X3 because they involve utilizing new ROW and cross large portions of optimal habitat for the Houston toad. TPWD pointed out that X2 would have a particularly negative impact due to its proximity to critical habitat of the Houston toad.<sup>101</sup> Mr. Ianni concluded, after reviewing TPWD's response to the Application, that Route 12 was the best choice from an environmental standpoint because it does not have any rare or unique plants within its ROW and it does not use any of the segments TPWD expressed particular concern about.<sup>102</sup> However, Mr. Ianni noted that Route 7 crosses optimal Houston toad habitat for only .4 miles, and has only two rare plant locations.<sup>103</sup>

Notwithstanding the existence of endangered species and habitat in the study area, Ms. Jensen testified that the Project is not anticipated to significantly adversely impact populations of any federally-listed endangered or threatened species.<sup>104</sup> Prior to construction, she stated, a Natural Resources Assessment will be conducted that will consider threatened and endangered species along the approved route.<sup>105</sup>

According to LCRA TSC's Application, while all of the primary alternative routes cross some forest and shrub land, and therefore may potentially impact wildlife, these impacts are anticipated to be minimal, as the primary alternative routes parallel existing ROW or other existing

---

<sup>100</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17.

<sup>101</sup> Staff Ex. 1 (Ianni Direct) at 22-23.

<sup>102</sup> Staff Ex. 1 (Ianni Direct) at 22-23.

<sup>103</sup> Staff Ex. 1 (Ianni Direct) at 22-23.

<sup>104</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17-18.

<sup>105</sup> LCRA TSC Ex. 8 (Jensen Direct) at 17-18.



features, such as apparent property lines, to the greatest extent reasonable (which LCRA TSC contends is in accordance with the recommendations made by TPWD).<sup>106</sup>

Mr. Ianni noted the proposed routes each parallel rivers, streams, or creeks within 100 feet of ROW for 0.2 to 1.5 miles. Route 7 parallels streams or rivers for 0.9 miles, while Route 12 parallels streams or rivers for 0.7 miles. None of the routes parallel any known cultural features.<sup>107</sup>

Ms. Jensen explained that no part of any of the primary alternative routes are located within the Coastal Management Program boundary, as defined in 31 TAC § 503.1.<sup>108</sup> LCRA TSC has confirmed that it will comply with applicable laws, including the Migratory Bird Treaty Act and the Endangered Species Act, as well as the Commission's ordering language, including appropriate consultation with TPWD and the USFWS.<sup>109</sup>

The evidence shows that Route 12 has the least impact of any route on environmental integrity.

## **6. Engineering Constraints**

The evidence did not reflect any significant engineering constraints along any of the alternative routes. However, Staff's witness Mr. Ianni noted that the topography and other unique attributes along whichever route is chosen will require engineering consideration. The potential constraints, according to Mr. Ianni, are not severe or uncommon and can be adequately addressed by utilizing design and construction practices and techniques usual and customary in the electric utility industry.<sup>110</sup>

---

<sup>106</sup> LCRA TSC Ex. 1 (Application) at 4-10 (Section 4.5.2.1), LCRA TSC Ex. 12 (Jensen Rebuttal) at 4, Staff Ex. 1 (Ianni Direct), Attachment BPI-3.

<sup>107</sup> Staff Ex. 1 (Ianni Direct) at 22-23; LCRA TSC Ex. 1, EA Appendix F.

<sup>108</sup> LCRA TSC Ex. 8 (Jensen Direct) at 16.

<sup>109</sup> LCRA TSC Ex. 12 (Jensen Rebuttal) at 5, LCRA TSC Post-Hearing Brief at 21.

<sup>110</sup> Staff Ex. 1 (Ianni Direct) at 23-24.

LCRA TSC submitted testimony stating that it will design the Project to meet or exceed industry-accepted standards and specifications for operating the transmission facilities in a safe and reliable manner, including the National Electrical Safety Code.<sup>111</sup> According to its witness, Ms. Jensen, the Project will be constructed in a manner that complies with all state and federal statutes and regulations applicable to transmission line construction and operation, as well as LCRA TSC's Transmission Line Engineering Standards, LCRA TSC's 138-kV substation engineering standards, and the Rural Utilities Service "Design Manual for High Voltage Transmission Lines."<sup>112</sup>

Ms. Jensen asserted that, upon Commission approval, engineers for LCRA TSC will begin detailed design of the Project and develop an alignment based on the approved route.<sup>113</sup> She testified that this will involve gathering detailed survey information, including locations of above-ground, at-grade, and subsurface constraints and precise property boundary and easement locations, as well as any locations of environmental and cultural resources.<sup>114</sup> Ms. Jensen stated that LCRA TSC will work with landowners on minor routing modifications during the design phase of the Project, regardless of which route is chosen.<sup>115</sup>

## 7. Costs

LCRA TSC submitted cost estimates for all 29 alternative routes under consideration in this proceeding.<sup>116</sup> These routes range from approximately \$35 million to approximately \$44 million in estimated total cost for transmission and substation facilities.<sup>117</sup> Route 7 is estimated to be the least expensive route, with an estimated cost of \$35,178,000.<sup>118</sup> Route 12 is

---

<sup>111</sup> LCRA TSC Ex 12 (Jensen Rebuttal) at 7.

<sup>112</sup> LCRA TSC Ex 12 (Jensen Rebuttal) at 7-8.

<sup>113</sup> LCRA TSC Ex 11, Jensen Rebuttal at 8.

<sup>114</sup> LCRA TSC Ex. 12 (Jensen Rebuttal) at 8

<sup>115</sup> LCRA TSC Ex 12 (Jensen Rebuttal) at 8

<sup>116</sup> LCRA TSC Ex 4 (Data Summary).

<sup>117</sup> LCRA TSC Ex. 7 (Melendez Direct) at 12; LCRA TSC Ex 4 (Data Summary).

<sup>118</sup> LCRA TSC Ex. 4 (Data Summary).

estimated to be the second least expensive route, with an estimated cost of \$35,712,000.<sup>119</sup> Route 18 is estimated to be the most expensive route, with an estimated cost of \$43,534,000.<sup>120</sup>

According to the evidence, Route 7 and Route 12 are the most cost effective routes, with minimal difference in cost between the two. (Route 12 is only 1.5% more than Route 7.)<sup>121</sup>

## **8. Use of Existing Corridors**

LCRA TSC's witnesses testified that the use and paralleling of existing compatible ROWs (existing transmission lines, roadways, railroads, and telephone utilities), apparent property boundaries, and natural or cultural features was taken into account in the development of the primary route alternatives.<sup>122</sup> According to LCRA TSC's witnesses, where feasible, the alternate routes and route segments included in the Application utilize compatible corridors and routing features and parallel existing compatible ROW, property lines, and other natural or cultural features.<sup>123</sup> Ms. Jensen and Mr. Stryker opined that LCRA TSC has reasonably routed the Project to moderate the impact on the affected community and directly affected landowners by paralleling existing transmission line ROW to the extent feasible without compromising reliability, by paralleling other existing compatible ROW, and by paralleling property lines where reasonable and practical.<sup>124</sup>

The evidence established that the proposed alternative routes are adjacent to and parallel public roads and highways anywhere from 0.3 to 13 miles.<sup>125</sup> As Mr. Ianni summarized the evidence, Route 7 parallels public roads and highways for 12 miles, while Route 12 parallels this compatible ROW for 1.5 miles.<sup>126</sup> Additionally, the length that the alternative routes parallel and

---

<sup>119</sup> LCRA TSC Ex. 4 (Data Summary)

<sup>120</sup> LCRA TSC Ex. 4 (Data Summary)

<sup>121</sup> Staff Ex. 1 (Ianni Direct) at 24.

<sup>122</sup> LCRA TSC Ex. 8 (Jensen Direct) at 9, 18-19, LCRA TSC Ex. 5 (Stryker Direct) at 10

<sup>123</sup> LCRA TSC Ex. 8 (Jensen Direct) at 9, 18-19, LCRA TSC Ex. 5 (Stryker Direct) at 10

<sup>124</sup> LCRA TSC Ex. 8 (Jensen Direct) at 9, 18-19, LCRA TSC Ex. 5 (Stryker Direct) at 10

<sup>125</sup> Staff Ex. 1 (Ianni Direct) at 27, LCRA TSC Ex. 1 (EA), Appendix F; LCRA TSC Ex. 4 (Data Summary).

<sup>126</sup> Staff Ex. 1 (Ianni Direct) at 27, LCRA TSC Ex. 1 (EA), Appendix F, LCRA TSC Ex. 4 (Data Summary)

are adjacent to railroads ranges from 0 to 10.7 miles.<sup>127</sup> Mr. Ianni noted that Route 7 does not parallel any railroads, while Route 12 parallels railroads for 5.3 miles.<sup>128</sup> In terms of paralleling existing apparent property boundaries, the evidence established that the routes range from 1.7 to 16.7 miles of paralleling such property boundaries.<sup>129</sup> None of the proposed routes utilize existing transmission line ROW.<sup>130</sup> The proposed alternative routes are adjacent and parallel to existing transmission lines anywhere from 0.1 miles to 14.1 miles.<sup>131</sup> Mr. Ianni noted that Route 7 parallels existing transmission lines for 0.3 miles of its length, while Route 12 parallels existing transmission lines for approximately 6.2 miles of its length.<sup>132</sup>

In total, Mr. Ianni summarized, Route 7 parallels all existing compatible corridors, including apparent property boundaries, for 85 percent of its length; Route 12 parallels existing compatible corridors, including apparent property boundaries, for 90 percent of its length.<sup>133</sup> Routes 14 and 24 have the highest percent of paralleling (97 percent), while Route 8 has the lowest (80 percent).<sup>134</sup>

## **9. Prudent Avoidance**

The Commission's substantive rules define "prudent avoidance" as "the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."<sup>135</sup> The community input placed priority on maximizing distance from habitable structures as a community value. People in a community and landowners or business owners may also be concerned about electric and magnetic fields. Thus, routing a transmission line should include consideration of population centers. The number and, in some instances, the type of

---

<sup>127</sup> Staff Ex. 1 (Ianni Direct) at 27; LCRA TSC Ex. 1 (EA), Appendix F; LCRA TSC Ex. 4 (Data Summary).

<sup>128</sup> Staff Ex. 1 (Ianni Direct) at 27; LCRA TSC Ex. 1 (EA), Appendix F; LCRA TSC Ex. 4 (Data Summary).

<sup>129</sup> Staff Ex. 1 (Ianni Direct) at 27; LCRA TSC Ex. 1 (EA), Appendix F; LCRA TSC Ex. 4 (Data Summary).

<sup>130</sup> Staff Ex. 1 (Ianni Direct) at 27; LCRA TSC Ex. 1 (EA) at 4-17 (Section 4.7.2).

<sup>131</sup> Staff Ex. 1 (Ianni Direct) at 28; LCRA TSC Ex. 4 (Data Summary).

<sup>132</sup> Staff Ex. 1 (Ianni Direct) at 28.

<sup>133</sup> Staff Ex. 1 (Ianni Direct) at 29.

<sup>134</sup> Staff Ex. 1 (Ianni Direct) at 29.

<sup>135</sup> 16 TAC § 25.101(a)(6).

habitable structures within 300 feet of the proposed route's centerline provide some objective guidance on this issue as well.

According to LCRA TSC's witnesses, all of the routes presented in the Application conform to the policy of prudent avoidance in that they reflect reasonable investments of money and effort in order to limit exposure to electric and magnetic fields.<sup>136</sup> Staff's witness Mr. Ianni concluded that LCRA TSC's proposed alternative routes are all viable, in light of the factors of PURA, the Commission's substantive rules, and the Preliminary Order.<sup>137</sup> LCRA TSC contends that this testimony indicates that Staff has acknowledged that LCRA TSC has complied with the Commission's prudent avoidance policy.

The ALJs find that the evidence supports that Route 12 best complies with the Commission's policy of prudent avoidance in that it has only 28 habitable structures within 300 feet of the centerline, which is only ten more than the route with the lowest number of habitable structures, and is the second lowest in cost. Route 7, with a comparable cost has significantly more habitable structures (42).

#### **10. Additional Routing Concerns**

Ms. Jensen testified that no known AM radio transmitters were identified within the study area or within 10,000 feet of the primary alternative routes.<sup>138</sup> She added that the number of microwave towers and other electronic communication towers located within 2,000 feet of any of the primary alternative routes ranges from zero for Routes 14 and 16 to nine for Route 11.<sup>139</sup> The number of electronic installations within 2,000 feet of a primary alternative route centerline are shown in Table 4-4 of the EA, along with general descriptions of the installations and their distances from the nearest primary alternative route segment.<sup>140</sup>

---

<sup>136</sup> LCRA TSC Ex. 5 (Stryker Direct) at 10, LCRA TSC Ex. 8 (Jensen Direct) at 20

<sup>137</sup> Staff Ex. 1 (Ianni Direct) at 33

<sup>138</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15.

<sup>139</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15.

<sup>140</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15

Ms. Jensen addressed the additional routing concerns. According to her testimony, the Caldwell Municipal Airport has a runway length of greater than 3,200 feet and is within 20,000 feet of each of the primary alternative routes.<sup>141</sup> In addition, one private airstrip and the private Weber Ranch Airport (each with a runway length of 3,200 feet or less) are within 10,000 feet of one or more of the primary alternative routes.<sup>142</sup> There are no public FAA-registered airports or military airstrips with runways shorter than 3,200 feet within 10,000 feet of any of the primary alternative routes.<sup>143</sup> She pointed out that one FAA-registered heliport, the Burleson County Hospital Heliport, is within 5,000 feet of one or more of the primary alternative routes.<sup>144</sup> Each airport, airstrip, and heliport is listed and described with the approximate distance from the centerline of each of the primary alternative routes in Table 4-3 and Appendix D of the EA. These facilities are shown on Figure 2-6 and Appendices C and D of the EA.<sup>145</sup>

Intervenor Key Energy contends that routing the line through Key Energy's business property, as proposed by Route 7, would pose a health and safety risk due to Key Energy's rig maintenance and training exercises. Key Energy's witness Mr. Brown explained that the rigs maintained and serviced by Key Energy are the same height as the transmission line poles. If the rigs come into contact with the transmission lines, it could cause health and safety risks for the employees of Key Energy. If Route 7 is chosen, Mr. Brown opined, it could compromise Key Energy's ability to continue its rig maintenance and training.<sup>146</sup> Mr. Brown testified that these consequences would be avoided by selecting Route 12 instead of Route 7.<sup>147</sup>

Atmos presented evidence that it owned approximately six miles of natural gas steel pipelines in the study area that could be adversely impacted by Routes 1, 2, 3, 13, 14, 15, 16, 18,

---

<sup>141</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15

<sup>142</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15

<sup>143</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15

<sup>144</sup> LCRA TSC Ex. 8 (Jensen Direct) at 15

<sup>145</sup> LCRA TSC Ex. 1 (EA) at 2-52, Appendices C, D.

<sup>146</sup> Key Ex. 1 (Brown Direct) at 13-14.

<sup>147</sup> Key Ex. 1 (Brown Direct) at 15

25, and 26.<sup>148</sup> Atmos responded to discovery requests that Route 12 would not have “any potential impacts to its facilities[.]”<sup>149</sup>

## **11. Summary of Routing Recommendation**

The ALJs conclude that Route 12 is the best alternative route because it (1) is estimated to be the second least costly route with an estimated cost of \$35,712,000; (2) is the sixth shortest route at 18.3 miles; (3) utilizes paralleling (including all compatible corridors) for 16.5 miles, or 90 percent of its total length; (4) utilizes the Lyle Wolz Substation endpoint, which better addresses reliability concerns than routes utilizing the Lyons Substation endpoint; (5) impacts 28 habitable structures, which is less than the 42 habitable structures impacted by LCRA TSC’s recommended route, Route 7, and only ten more than the route that impacts the least habitable structures; (6) crosses the endangered Houston toad’s potential habitat for only 0.3 miles, which is tied with Route 21, TPWD’s recommended route for second least distance crossed; (7) avoids using links that TPWD expressed concern about; (8) does not cross any rare or unique plant location; and (9) crosses the least amount of areas of high prehistoric and historic archaeological site potential (1.2 miles).<sup>150</sup> Furthermore, it would avoid the routing concerns expressed by Key Energy and Atmos. All parties that participated or submitted evidence at the hearing support or do not oppose Route 12.

## **E. Preliminary Order Issue No. 5**

**Are there alternative routes or facilities configurations that would have a less negative impact on landowners? What would be the incremental cost of those routes?**

In addition to the 26 primary alternative routes proposed in the Application, three alternative routes were identified by Commission Staff and Intervenor: Modified Route 7,

---

<sup>148</sup> Atmos Ex 1 (Dygert Direct) at 4, 23-24

<sup>149</sup> LCRA TSC Ex. 24 (Atmos RFI Responses to LCRA TSC 2-10).

<sup>150</sup> Staff Ex 1 (Ianni Direct) at 32-33.

Route EC-1, and Route Staff RFI 1-1. According to LCRA TSC witnesses, each of the alternative routes identified is feasible and constructible.<sup>151</sup>

The record contains no evidence regarding reconfigurations to accommodate specific landowner preferences or associated costs.

**F. Preliminary Order Issue No. 6**

*If alternative routes or facility configurations are considered due to individual landowner preference:*

- a) *Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?*
- b) *Have the accommodations to landowners diminished the electric efficiency of the line or reliability?*

The record contains no evidence regarding configurations necessary to accommodate individual landowner preferences or associated costs. No landowners have requested an accommodation that would necessitate an evaluation of costs or require contributions from the landowner.

**G. Preliminary Order Issue No. 7**

*On or after September 1, 2009, did the TPWD provide any recommendations or informational comments regarding this application pursuant to Section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:*

- a) *What modifications, if any, should be made to the proposed project as a result of any recommendations or comments?*
- b) *What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?*
- c) *What other disposition, if any, should be made of any recommendations or comments?*
- d) *If any recommendation or comment should not be incorporated in this project or the final order, or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.*

---

<sup>151</sup> LCRA TSC Ex. 12 (Jensen Rebuttal) at 5-6; LCRA TSC Ex. 9 (Stryker Rebuttal) at 4; LCRA TSC Ex. 11 (Melendez Rebuttal) at 9



TPWD provided information and recommendations regarding the preliminary study area for this project to URS on November 6, 2017.<sup>152</sup> On July 27, 2018, after the Application had been filed, TPWD filed a letter containing its comments and recommendations regarding the Project.<sup>153</sup>

In its comments, TPWD recommended Route 21 for the Project. In making this recommendation, TPWD noted that Route 21 generally avoided the modeled optimal habitat for threatened and endangered species, paralleled to a greater degree existing electric transmission lines and other existing corridors (including apparent property boundaries), and was limited in crossing known rare/unique plant locations, forested or scrub/shrub wetlands, emergent wetlands, or open water.<sup>154</sup>

TPWD indicated in its comments that Route 7 does not adequately minimize adverse impacts to natural resources, is parallel or adjacent to an existing transmission line for only 1.7 miles of its length, and ranks low for the percent of route parallel to existing corridors.<sup>155</sup> TPWD also noted that Route 7 is situated within 1,000-feet of a park or recreation area and has the maximum number of known rare/unique plant locations within the ROW.<sup>156</sup>

In responding to TPWD's comments, Staff's witness Mr. Ianni disagreed with TPWD's assessment that Route 7 does not sufficiently minimize adverse impacts to natural resources.<sup>157</sup> Mr. Ianni noted that the maximum number of known rare or unique plant locations within the ROW on Route 7 is only two, and seven other alternative routes have this same number of rare plants within the ROW.<sup>158</sup> Additionally, Mr. Ianni discounted TPWD's concern regarding the degree to which Route 7 parallels existing corridors, noting that all of the alternative routes parallel existing corridors for 80-97 percent of their length, which is generally a high range for

---

<sup>152</sup> LCRA TSC Ex 1 (EA), Appendix A at A29-A40

<sup>153</sup> See Staff Ex 1 (Ianni Direct), Attachment BPI-3 (July 23, 2018 letter from TPWD to Karen Hubbard, filed July 27, 2018)

<sup>154</sup> Staff Ex. 1 (Ianni Direct), Attachment BPI-3 at 4.

<sup>155</sup> Staff Ex 1 (Ianni Direct), Attachment BPI-3 at 3

<sup>156</sup> Staff Ex 1 (Ianni Direct), Attachment BPI-3 at 3

<sup>157</sup> Staff Ex. 1 (Ianni Direct) at 22

<sup>158</sup> Staff Ex 1 (Ianni Direct) at 22.

paralleling.<sup>159</sup> After considering TPWD's comments, Mr. Ianni concluded that Route 7 is an acceptable route from an environmental perspective.<sup>160</sup>

Mr. Ianni however noted that Route 12, which he recommended as the preferable route, addresses the concerns of TPWD better than Route 7, in that not only does it parallel streams and rivers for a relatively short length, it has no rare or unique plants within its ROW and it does not have any of the segments that TPWD identified as having the most impact on the habitat of the endangered Houston toad.<sup>161</sup> For these reasons, the ALJs find that the choice of Route 12 provides adequate response to the concerns raised by TPWD.

Regarding the various concerns and recommendations noted in TPWD's letter, the record evidence does not support deviating from the Commission's standard ordering language related to those matters. Therefore, the Commission's standard ordering language, which is included below along with proposed findings of fact and conclusions of law, will be sufficient to address TPWD's recommendations.

#### **H. Preliminary Order Issue No. 8**

**Are the circumstances for this line such that the seven-year limit discussed in section III of this order should be changed?**

LCRA TSC has not requested that the seven-year limit identified by the Commission in its Preliminary Order be changed nor presented evidence meriting any change to that time limit.<sup>162</sup>

### **IV. CONCLUSION**

LCRA TSC presented sufficient evidence regarding the need for the Project. No party submitted evidence disputing the need for the Project. In total, 29 alternative routes have been identified for possible consideration in this proceeding. These 29 routes utilize either one of two

---

<sup>159</sup> Staff Ex 1 (Ianni Direct) at 22.

<sup>160</sup> Staff Ex. 1 (Ianni Direct) at 22.

<sup>161</sup> Staff Ex 1 (Ianni Direct) at 22-23

<sup>162</sup> Staff Ex 1 (Ianni Direct) at 24.

existing substations—the BBEC Lyle Wolz Substation or the BBEC Lyons Substation—as well as a new Cooks Point Substation that will be built at one of four proposed sites.

The evidence submitted proved that all 29 routes address the need for the Project and are viable and constructible. Therefore, the ALJs find that the preponderant evidence proves that all 29 routes comply with PURA § 37.056 and 16 TAC § 25.101(b)(3)(B), including the Commission’s policy of prudent avoidance. Based on the evidence presented, Route 12, which is either supported or unopposed by the majority of parties, best meets the regulatory and statutory criteria because it:

- is estimated to be the second least costly route with an estimated cost of \$35,712,000;
- is the sixth shortest route at 18.3 miles;
- utilizes paralleling (including all compatible corridors) for 16.5 miles, or 90 percent of its total length;
- utilizes the Lyle Wolz Substation endpoint, which better addresses reliability concerns than routes utilizing the Lyons Substation endpoint;
- impacts 28 habitable structures, which is less than the 42 habitable structures impacted by LCRA TSC’s recommended route, Route 7, and only ten more than the route that impacts the least habitable structures;
- crosses the endangered Houston toad’s potential habitat for only 0.3 miles, which is tied with Route 21, TPWD’s recommended route, for second least distance crossed;
- avoids using links that TPWD expressed the most concern about;
- does not cross any rare or unique plant location;
- crosses least amount of areas of high prehistoric and historic archaeological site potential (1.2 miles); and
- avoids Atmos’s and Key Energy’s business, operational, and safety concerns.

Accordingly, the ALJs recommend that LCRA TSC’s Application to amend its CCN to construct the Project should be approved, and Route 12 should be chosen as the preferred route.

**V. FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDERING PARAGRAPHS**

**A. Findings of Fact**

**Applicant**

1. LCRA Transmission Services Corporation (LCRA TSC) is a non-profit corporation providing service under Certificate of Convenience and Necessity (CCN) No. 30110.

**Application**

2. On May 31, 2018, LCRA TSC filed with the Public Utility Commission of Texas (Commission) an application (Application) to amend its CCN in order to build, own, and operate a new 138-kilovolt (kV) transmission line (Project) in Burleson County connecting a new substation to the electric grid.
3. LCRA TSC retained URS Corporation (URS) to prepare an Environmental Assessment (EA) and routing analysis for the proposed transmission line that was included as part of the Application.

**Description of Proposed Transmission Facilities**

4. The proposed new transmission line will connect a new load-serving electric substation (Cooks Point Substation) located in the vicinity of the Cooks Point community in northern Burleson County (near the intersection of State Highway (SH) 21 and Farm-to-Market Road (FM) 1362) to either the existing Bluebonnet Electric Cooperative (BBEC) Lyle Wolz Substation or the BBEC Lyons Substation.
5. The Project will be constructed on 138-kV single-circuit steel or concrete pole structures for typical tangent, angle, and dead-end structures. If ordered to or in constrained or other appropriate areas (such as line crossings or in proximity to airports or heliports), LCRA TSC could use alternative structure types, including H-frames. The heights of typical structures proposed for the project range from 75 to 110 feet above ground.
6. LCRA TSC will design, operate, maintain, and own all of the proposed transmission line facilities including conductors, wires, structures, hardware, and easements. LCRA TSC will also design, operate, maintain, and own the new electric load-serving substation that will be constructed in conjunction with the Project.
7. The Application included 26 primary alternate routes composed from 84 route segments.

8. After the Application was filed, three additional routes utilizing the existing route segments presented in LCRA TSC's Application were identified and assessed: Modified Route 7, EC-1, and Staff RFI 1-1.
9. The primary alternative routes range from approximately 17 to 23 miles in length.
10. The route alternatives under consideration have an estimated total cost ranging between approximately \$35 million and approximately \$44 million for transmission and substation facilities.

**Procedural History**

11. On July 2, 2018, the Commission ALJ issued Order No. 3 granting the motions to intervene filed by Kirk Sumner, Christopher Evers (on behalf of Evers Group, LLC), Christopher Smith, Kate O'Keefe (on behalf of the O'Keefe and Hoot Family Limited Partnership), Peter Cook, William and Mary Hillmann, Wayne and Debi McMillian, June Calvin, Ol'Army Ranch, LLC, Amber Owen, Bettye Langham, and T. L. Calvin.
12. On July 9, 2018, the Commission ALJ issued Order No. 5 granting the motions to intervene filed by Mary Engelmann, David Odstroil, Barbara Krob, Otto Kubecka, Jr., William Allen Lange, Jr., Patricia and Thomas Novosad, Roy Bohn, Jeff L. Kubecka, Donald Kubecka, and Tammy Baker.
13. On July 17, 2018, the Commission ALJ issued Order No. 6 granting the motions to intervene filed by Katharine Fraser, Carla Faske, David Knesek, Mary Goff, Mark Kovar, Kathryn Kovar, Janice Lynn Ofczarszak, Patricia Hatfield, Carol Christian, and James Jezek.
14. On July 20, 2018, the Commission ALJ issued Order No. 7 granting the motions to intervene filed by Kathryn E. Williams, John and Nehoma Brown, Ramon and Alice Vasquez, Maria and David Cormier, David Reue, Timothy Goff, Rosie and Jerry Groves, DCP Intrastate Network, LLC, Pamela Reed, Debra Gryder, James Siptak, Donald C. Krause, Leroy C. Kazmir, Elaine H. Mitchell, Marshall A. Harrell Jr., and Key Energy Services, LLC.
15. On July 24, 2018, the Commission ALJ issued Order No. 8 granting the motions to intervene filed by Robert Tolar, Lampe Partners, L.P., Joseph Vychopen, Patty Vychopen, Billy M. Jezek, Elizabeth R. Clanton, Frank Horak, Andrew Perry, Shirley O. Perry, William "Billy" Lowery, Edward E. Taylor, John Adams, John Holleman, Leda Long-Williams, Sherry Calvin Green Adams, David R. and Rhonda Calvin Wolz, John and Whitney Wolz Anderson, Kenneth Hronek, Sr., Jason Paul Hronek, Novella Hronek, Fredrick Pagel, Adelle Morehead, Atmos Pipeline-Texas, and Susan Dorman.
16. On July 27, 2018, the Texas Parks and Wildlife Department (TPWD) filed a letter containing its comments and recommendations regarding the Project.

17. On August 8, 2018, the Commission referred this case to the State Office of Administrative Hearings (SOAH) and identified a number of issues to be addressed.
18. In SOAH Order No. 1 issued on August 14, 2018, the SOAH ALJs provided notice of a prehearing conference, described jurisdiction, and provided other information.
19. On September 5, 2018, the SOAH ALJs convened a prehearing conference in this docket in Austin, Texas, at which time a procedural schedule was adopted.
20. In SOAH Order No. 2 issued on September 14, 2018, the SOAH ALJs gave notice of the convening of the hearing on the merits at the SOAH offices in Austin at 9:00 a.m. on January 8, 2019.
21. In SOAH Order No. 2, the SOAH ALJs also established an intervention deadline, memorialized the procedural schedule, adopted a protective order, addressed other procedural matters, and granted the motions to intervene filed by Sylvia Ann Gold Stegent, Weldon Ginzel, Kimberly Martensen, Joel Wayne Pembleton, Robert Houlgrave, Christopher Chmelar and Christel Chmelar, Bryan and Patricia Coffman, Richard Neal, Robert Murray Alford, Loretta Beran Alford, Ronald H. Stern, Paline Koumonduros, Jane Collier, Gabe and Gail Broussard, Sarah Hronek, Suzanne Strong, Cirilo Zamora, Jr., Angie Zamora, Cierra Zamora, and Alexander Zamora.
22. On September 10, 2018, LCRA TSC filed the direct testimonies of Mr. Kristian Koellner, Ms. Melinda Jensen, Ms. Jessica Melendez, and Mr. Justin Stryker in support of the Application.
23. One hundred and four parties were granted intervention in this docket.
24. Twenty-two intervenor direct testimonies or statements of position were filed on or about October 23, 2018.
25. Of the parties initially granted intervention, 70 were dismissed from this docket for failure to file testimony or statements of position in accordance with the requirements of SOAH Order No. 2.
26. Commission Staff filed the direct testimony of its witness, Mr. Blake Ianni, on November 16, 2018.
27. On December 7, 2018, LCRA TSC filed rebuttal testimony from Mr. Koellner, Ms. Jensen, Ms. Melendez, and Mr. Stryker.
28. On January 9, 2019, the hearing on the merits convened before SOAH ALJs Joanne Summerhays and Rudy Calderon. The following parties made appearances, either personally or through their legal counsel, and participated in the hearing on the merits: LCRA TSC; Commission Staff; Atmos Energy Corporation, on behalf of Atmos Pipeline-Texas (Atmos); Mary Goff; DCP Intrastate Network; William A. Lange, Jr.

(representing the Lange family properties); Leda Williams; Robert Tolar (representing himself and Jim Siptak); Ol' Army Ranch, LLC; Leroy Kazmir; Donald Krause; Elaine Mitchell; Marshall A. Harrell, Jr.; Christopher and Christel Chmelar; Kate O'Keefe and the O'Keefe and Hoot Family Limited Partnership; John Adams (representing himself and Sherry Adams; T.L. and June Calvin; and Rhonda and David Wolz); and Key Energy Services. Two additional self-represented intervenors, Joel Wayne Pembleton and Lampe Partners, LP, did not appear but had their direct testimony submitted by another party without objection. The hearing concluded that same day.

29. The evidentiary record closed on January 10, 2019, and the hearing record closed on February 15, 2019, after the filing of closing written arguments and proposed findings of fact and conclusions of law.

**Notice and Sufficiency of Application and Route Adequacy**

30. On May 31, 2018, LCRA TSC:
  - a. mailed direct written notice of the filing of the Application by first-class mail to each owner of land directly affected by the construction of the Project, as determined by review of the Burleson County Appraisal District tax data;
  - b. mailed direct written notice of the filing of the Application by first-class mail to the county government of Burleson County, as well as the city governments for the cities of Caldwell and Somerville;
  - c. mailed direct written notice of the filing of the Application by first-class mail to the following neighboring utilities providing electric utility service within five miles of the requested facilities: City of Caldwell Utilities, BBEC, Bryan Texas Utilities (BTU), and Entergy Texas, Inc. (ETI); and
  - d. mailed written notice of the filing of the Application by first-class mail to other interested entities, including the Office of Public Utility Counsel and the United States Department of Defense Siting Clearinghouse (DOD).
31. On June 7, 2018, LCRA TSC published public notice of the Application in the *Burleson County Tribune*, a newspaper of general circulation in Burleson County, Texas.
32. On June 20, 2018, LCRA TSC filed an affidavit attesting to, among other things, the provision of notice of the Application to OPUC; and notice of the Application to cities, counties, neighboring utilities, the DOD, and directly affected landowners.
33. On June 20, 2018, LCRA TSC filed an affidavit attesting to published notice of the Application in the *Burleson County Tribune*, a newspaper of general circulation in Burleson County, Texas, the county where the CCN amendment is being requested.
34. No party challenged the sufficiency of the Application.

35. On June 21, 2018, the Commission ALJ issued Order No. 2 finding the Application to be sufficient and materially complete.
36. On July 5, 2018, the Commission ALJ issued Order No. 4 approving LCRA TSC's provision of notice of the Application in this proceeding.
37. LCRA TSC, together with its routing consultant, URS, initially developed and evaluated 26 geographically diverse primary alternative routes (Routes 1-26), comprising 84 primary alternative route segments that can be combined into a wide variety of alternate routes. Ultimately, three additional routes (Modified Route 7, EC-1, and Staff RFI 1-1) were identified from combinations of alternative route segments presented in the Application.
38. No party raised a route adequacy challenge.
39. The Application's 26 geographically diverse routes are an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation.

**Need for the Proposed Project**

40. The Project is needed to meet the existing and forecasted retail electric service demand of customers in Burleson County and to address reliability risks associated with continuing to serve the area's electric load requirements using the existing load-serving substations.
41. The new Cooks Point Substation is planned to serve an area remote from BBEC's existing facilities at the edge of its service territory and is needed to ensure that electric service needs for present and future customers within the area are met in a reliable, efficient, and cost-effective manner.
42. The Project will help ensure that, among other things, over time (a) increasing load will not outstrip the distribution system's ability to perform at levels required by utility planning criteria; (b) low voltage conditions and overloaded conductors will not occur, placing customer load at risk of outage, damage, or misoperation; and (c) an excessive amount of voltage-regulating equipment will not be required.
43. The Project will help prevent future violations of BBEC and LCRA TSC distribution and transmission planning criteria likely resulting from load growth in the area. Specifically, based on the load forecast for the area, anticipated BBEC distribution system criteria violations if the Project is not approved include: (1) an inability to maintain voltages meeting ANSI C84.1 Range A limits under normal operating conditions; (2) exceeding optimum conductor loading levels on distribution feeders; and (3) the need for an excessive number of voltage regulators.



44. The Project will help address the potential, at the transmission level, of over 20 megawatts (MW) of peak customer load being subject to interruption due to the loss of a single transmission element.
45. The Project will help address a post-contingency overload of the Gay Hill to Lyons transmission line that would otherwise be expected to occur by 2023 per Electric Reliability Council of Texas (ERCOT) Regional Transmission Plan (RTP) findings.
46. LCRA TSC presented the Project (including all transmission alternatives considered and addressed in response to Question 15 of the Application) for review by ERCOT staff and the ERCOT Regional Planning Group (RPG) on July 8, 2016.
47. ERCOT market participants BBEC, BTU, and Oncor Electric Delivery Company, as well as the City of Caldwell, all filed comments supporting the recommended alternative during the ERCOT RPG review process.
48. Following its review, ERCOT staff designated the Project as a Tier 4 Neutral Project on July 7, 2017.
49. ERCOT staff determined the Project will not result in any violations of North American Electric Reliability Counsel or ERCOT performance requirements.
50. After the RPG review was completed, the Project's recommended transmission alternative was identified by ERCOT staff during the 2017 RTP as a transmission element that will mitigate a reliability constraint identified within the Project area.
51. Burleson County and the City of Caldwell each adopted resolutions supporting the need for the Project.
52. No party disputed the need for the Project.
53. All of the 29 routes under consideration in this docket, including the 26 presented in the Application and the three additional routes identified by Commission Staff and intervening parties, will satisfy the need for the Project.
54. Electric customers within the Project area will benefit from the improved transmission system reliability and capacity provided by the Project.
55. LCRA TSC and BBEC considered a distribution-only alternative.
56. Distribution alternatives are not adequate to resolve the need for the Project.
57. A distribution system-only alternative would require multiple projects to significantly upgrade existing facilities. Beyond 2020, these distribution system improvements would no longer provide acceptable results because criteria violations would reoccur. Furthermore, with an anticipated timeframe of four years to complete the distribution

system improvements, the improvements would not be sufficient by the time of completion.

58. No party has argued that a distribution alternative would resolve the need for the Project.

**Routing of the Project**

59. The URS Project Team included professionals with expertise in different environmental and land use disciplines (geology/soils, hydrology/water quality, terrestrial ecology, wetland ecology, land use/aesthetics, and cultural resources) who were involved in data acquisition, routing analysis, and environmental assessment for the Project.
60. To identify preliminary alternative route segments for the Project, URS delineated a study area, sought public official and agency input, gathered data regarding the study area, performed constraints mapping, identified preliminary alternative route segments and alternative substation sites, and reviewed and adjusted the preliminary alternative route segments and alternative substation sites following field reconnaissance and the open house meeting.
61. URS examined potential routes taking into consideration the factors that appear in Public Utility Regulatory Act (PURA) § 37.056(c)(4)(A)-(D), 16 Texas Administrative Code (TAC) § 25.101, and the Commission's CCN application form.
62. From the preliminary alternative route segments, URS and LCRA TSC identified 26 reasonable, feasible primary alternative routes. In identifying these, URS considered a variety of information, including input from the public and public officials, geographic diversity within the study area, and an inventory and tabulation of a number of environmental and land use criteria.
63. LCRA TSC reviewed the primary alternative routes with regard to cost, construction, engineering, and right-of-way (ROW) maintenance issues and constraints, and conducted field reviews.
64. At the time it filed its Application, and in accordance with the requirement in the Commission's CCN application form, LCRA TSC identified Route 7 as the route that best addressed the Commission's routing criteria for the reasons included in response to Question 17 of the Application.
65. LCRA TSC's Application confirms that all proposed Routes are viable and constructible and meet the factors in PURA § 37.056(c)(4)(A)-(D), 16 TAC § 25.101, and the Commission's CCN application form.
66. At the hearing and in post hearing briefs, LCRA TSC supported the choice of Route 12 as the route that best meets the statutory and regulatory criteria, and best addresses the concerns raised by TPWD and the parties.

67. Commission Staff submitted evidence supporting the choice of Route 12 as the route that best meets the statutory and regulatory criteria, and best addresses the concerns raised by TPWD and the parties.
68. All of the parties that participated in the hearing, or provided evidence that was submitted at the hearing, support or do not oppose Route 12.
69. Based on the evidence presented, Route 12 best meets the regulatory and statutory criteria because it:
- is estimated to be the second least costly route with an estimated cost of \$35,712,000;
  - is the sixth shortest route at 18.3 miles;
  - utilizes paralleling (including all compatible corridors) for 16.5 miles, or 90 percent of its total length;
  - utilizes the Lyle Wolz Substation endpoint, which better addresses reliability concerns than routes utilizing the Lyons Substation endpoint;
  - impacts 28 habitable structures, which is less than the 42 habitable structures impacted by LCRA TSC's recommended route, Route 7, and only ten more than the route that impacts the least habitable structures;
  - crosses the endangered Houston toad's potential habitat for only 0.3 miles, which is tied with Route 21, TPWD's recommended route, for second least distance crossed;
  - avoids using links that TPWD expressed the most concern about;
  - does not cross any rare or unique plant location;
  - crosses least amount of areas of high prehistoric and historic archaeological site potential (1.2 miles); and
  - avoids Atmos's and Key Energy's business, operational, and safety concerns with alternative routes.

**Effect of Granting Certificate on LCRA TSC and Utilities Serving the Proximate Area**

70. Electric utilities serving the proximate area of the Project include the City of Caldwell Utilities, BBEC, BTU, and ETI.
71. Electric service requirements for many current and future end-use customers within the area will be met by BBEC with the installation of the new electric load-serving substation associated with the Project. The new substation will provide the electrical source to supply existing and future electrical loads in the area. The new substation will also increase the reliability of service to the broader area.

72. Because of the significant benefits, ERCOT market participants BBEC and BTU, along with the City of Caldwell, support the Project.

*Community Values*

73. LCRA TSC held a public open house meeting for the Project on January 30, 2018, at the City of Caldwell Civic Center in Caldwell, Texas.
74. The purpose of the open house meeting was to solicit input from landowners, public officials, and other interested persons about the Project, the preliminary alternative route segments, and the alternative substation sites. Further, the open house meeting was designed to promote a better understanding of the Project, including the purpose, need, potential benefits and impacts, and Commission certification process; inform the public with regard to the routing procedure, schedule, and route approval process; and gather and understand the values and concerns of the public and community leaders.
75. LCRA TSC mailed 1,216 written notices of the open house meeting to all owners of property within 300 feet of the centerline of each preliminary alternative segment.
76. LCRA TSC also mailed or hand delivered notices of the open house meeting to local public officials and various state and federal officials.
77. Notice of the open house meeting was additionally published in the *Burleson County Tribune*, the local newspaper of general circulation in Burleson County, on January 18 and January 25, 2018.
78. DOD was given notice of the Project both before and after the public open house.
79. On October 18, 2017, several months before the public open house meeting, written information was provided to DOD about the study area and the nature of the Project.
80. On December 14, 2017, DOD reported that the Project will have minimal impact on military operations conducted in the area.
81. Concurrent with the filing of the Application, written notice was mailed by first-class mail to DOD.
82. On August 9, 2018, DOD again reported that the Project will have minimal impact on military operations conducted in the area.
83. A total of 159 people signed in as attending the public open house meeting.
84. Attendees were provided questionnaires, and LCRA TSC received a total of 78 completed questionnaires.

85. The public feedback received by LCRA TSC was evaluated and considered in determining the routes to be included in the Application. Based on input, comments, information received at and following the open house meeting, and additional analyses conducted by LCRA TSC and URS, eight preliminary alternative route segments were modified, eight preliminary alternative route segments were deleted, and six alternative route segments were added.
86. The study area is primarily rural with concentrations of residential and commercial development within the City of Caldwell and along SH 21 and SH 36.
87. The predominant land use within the study area is undeveloped or agricultural land.
88. None of the identified routes traverse a heavily populated residential area. Whenever possible, LCRA TSC and URS avoided identifying alternative route segments near habitable structures.
89. The 29 routes under consideration in this proceeding varied in length from 17.07 to 23.36 miles.
90. All 29 routes are viable, feasible, and reasonable from environmental, engineering, and cost perspectives.
91. The greatest number of habitable structures within 300 feet of the centerline of any route is 63, on Route 5.
92. The least number of habitable structures within 300 feet of the centerline on any route is 18, on Routes 15 and 23.
93. Route 7 has a total of 42 habitable structures within 300 feet of the centerline.
94. Route 12 has 28 habitable structures within 300 feet of the centerline, 14 fewer than Route 7 and only 10 more than the routes with the lowest number of habitable structures.

**Parks and Recreation Areas**

95. There are very few park and recreational areas throughout the study area.
96. LCRA TSC and URS properly identified and described park and recreational areas within the study area in Section 4.7.3, and on Table 4-1, of the EA.
97. None of the alternative routes directly cross any park or recreational areas as defined by the Commission's Standard Application for a CCN.
98. There are only two park or recreational areas located within 1,000 feet of the centerline of any of the alternative routes: the Copperas Hollow Country Club and Texas Department of Transportation (TxDOT) Rest Area 2.

- 99. No route has more than two park or recreational areas within 1,000 feet of its centerline.
- 100. Routes 1, 2, 3, 14, 16, 18, 25, and 26 are within 1,000 feet of TxDOT Rest Area 2.
- 101. Routes 1, 2, 3, 5, 7, 9, 17, 25, 26 and Modified Route 7 are within 1,000 feet of Copperas Hollow Country Club.
- 102. Route 12 is not within 1000 feet of any park or recreational area.
- 103. During construction, minor and temporary disruption to recreational users of the rest area and Copperas Hollow Country Club may occur; however, long-term impacts are not anticipated. Upon project completion, recreational activities within these areas would be anticipated to resume.
- 104. No significant impacts to the use of the parks and recreation facilities located within the study area are anticipated from any of the primary alternative routes.

**Cultural, Historical, and Aesthetic Values**

- 105. LCRA TSC has identified and summarized the number of known or recorded historic or prehistoric archaeological sites and cemeteries within 1,000 feet of the ROW of each proposed route.
- 106. No previously recorded cultural resources sites are crossed by a primary alternative route.
- 107. There are 14 known cultural resources sites within 1,000 feet of a primary alternative route. These cultural resources included six Official Texas Historic Markers (OTHMs) and eight cemeteries. Two of these cemeteries (Kramer Cemetery and SPJST Cemetery) have been designated as Historic Texas Cemeteries (HTCs).
- 108. The minimum number of cultural resource sites within 1,000 feet of the centerline of any route is two, while the maximum is 11.
- 109. Routes 7 and 12 both have only two cultural resource sites within 1,000 feet of their centerline.
- 110. A total of five archaeological sites are located within 1,000 feet of a primary alternative route. None of the sites have been determined eligible for listing in the National Register of Historic Places or for designation as a State Antiquities Landmark.
- 111. Kramer Cemetery is designated as a HTC. This site is located 256 feet from the centerline of the nearest route and would therefore not be impacted by construction.
- 112. To provide an assessment of archaeological site sensitivity for the project, a predictive model was developed by URS on the basis of landform, soil type, distance from water

sources, extant site distributions, and proximity to the El Camino Real de Los Tejas National Historic Trail.

113. The study area was divided into areas of high, moderate, and low potential for prehistoric archaeological sites, with High Potential Areas (HPAs) possessing the greatest potential for containing cultural resource sites.
114. Of all the proposed alternative routes, Route 12 has the lowest percentage of line that crosses HPAs, with only 6.6% of the route crossing HPAs, while Route 26 has the highest, at 77.7%.
115. One measure of aesthetic values is the length of ROW that is within the foreground visual zone of U.S. and state highways, FM roads, and parks and recreational areas.
116. Route 26 has the longest length within the foreground visual zone of U.S. and State highways, at approximately 16.8 miles, while Route 20 has the shortest length, approximately 4.3 miles.
117. Route 3 has the longest length, approximately 3.5 miles, within the foreground visual zone of parks or recreational areas, while Routes 4, 10, 19, and 20 have the shortest length, zero miles.
118. Route 12 is within the visual foreground of highways for 11.1 miles and is in the visual foreground of parks and recreation areas for 3.1 miles.

**Environmental Integrity**

119. LCRA TSC and URS evaluated the impacts on environmental integrity from the Project, and set out such impacts in detail in the EA and summarized them in Section 4.5.2.5 of the EA.
120. The Project has the potential to impact the modeled optimal habitat for the federally listed endangered Houston toad.
121. Of the primary alternative routes within the study area, Routes 11 and 12 cross the least amount of modeled optimal Houston toad habitat, with approximately 0.21 mile and 0.32 mile, respectively.
122. Routes 6 and 10 cross the most modeled optimal Houston toad habitat, with approximately 3.18 miles and 5.30 miles, respectively.
123. LCRA TSC and URS properly determined and identified the lengths of potential Houston toad habitat crossed by each primary alternative route segment and each primary alternative route in Appendices E and F of the EA.

124. Notwithstanding the existence of endangered species and habitat in the study area, the Project is not anticipated to significantly adversely impact populations of any federally-listed endangered or threatened species.
125. Commission rule 16 TAC § 25.101(a) states that the “commission may grant a certificate for the construction of generating or transmission facilities within the coastal boundary as defined in 31 TAC § 503.1 only when it finds that the proposed facilities are as required under the applicable goals and policies of the Coastal Management Program specified in 31 TAC § 501.14(a), or that the proposed facilities will not have any direct and significant impacts on any of the applicable coastal natural resource areas specified in 31 TAC § 501.3(b).”
126. No part of any of the proposed transmission facilities is located within the Coastal Management Program boundary, as defined in 31 TAC § 503.1.
127. No significant impacts to wetland resources, ecological resources, endangered and threatened species, or land use are anticipated as a result of the construction of the Project.
128. Route 12 is the best choice from an environmental standpoint because it does not have any rare or unique plants within its ROW and it does not use any of the segments TPWD expressed particular concern about.

**Engineering Constraints**

129. There are no significant engineering constraints along any of the alternative routes that cannot be adequately addressed by utilizing design and construction practices and techniques usual and customary in the electric utility industry.

**Costs, Use of Existing Compatible ROW, and Prudent Avoidance**

130. LCRA TSC prepared cost estimates for all 29 alternative routes under consideration in this proceeding.
131. Route 7 is estimated to be the least expensive route, with an estimated cost of \$35,178,000.
132. Route 12 is estimated to be the second least expensive route, with an estimated cost of \$35,712,000.
133. Route 18 is estimated to be the most expensive route, with an estimated cost of \$43,534,000.
134. The use and paralleling of existing compatible ROWs (existing transmission lines, roadways, railroads, and telephone utilities), apparent property boundaries, and natural or cultural features was taken into account in the development of the primary route alternatives.



135. The proposed alternative routes are adjacent to and parallel public roads and highways anywhere from 0.3 to 13 miles.
136. Route 7 parallels public roads and highways for 12 miles.
137. Route 12 parallels public roads and highways for 1.5 miles.
138. Routes 15 and 23 each have 10.7 miles that are parallel and adjacent to railroads, which is the most of any route. Eleven routes (1, 2, 4, 6, 7, 8, 9, 17, 25, 26, and Modified Route 7) do not have any length parallel and adjacent to railroads.
139. Route 12 has 5.3 miles that are parallel and adjacent to railroads.
140. The routes range from 1.7 to 16.7 of miles paralleling existing apparent property boundaries.
141. None of the proposed routes utilize existing transmission line ROW.
142. The proposed alternative routes are adjacent and parallel to existing transmission lines anywhere from 0.1 miles to 14.1 miles.
143. Route 7 parallels existing transmission lines for 0.3 miles of its length.
144. Route 12 parallels existing transmission lines for approximately 6.2 miles of its length.
145. Route 7 parallels all existing compatible corridors, including apparent property boundaries, for 85% of its length.
146. Route 12 parallels existing compatible corridors, including apparent property boundaries, for 90% of its length.
147. Routes 14 and 24 have the highest percentage of paralleling (97%), while Route 8 has the lowest (80%).
148. Prudent avoidance is defined in 16 TAC § 25.101(a)(6) as the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
149. All of the routes presented in the Application conform to the Commission’s policy of prudent avoidance in that they reflect reasonable investments of money and effort to limit exposure to electric and magnetic fields.
150. Route 12 best complies with the Commission’s policy of prudent avoidance in that it has only 28 habitable structures within 300 feet of the centerline, which is only 10 more than the route with the lowest number of habitable structures, and is the second lowest in cost.

*Additional Routing Concerns*

151. No known AM radio transmitters were identified within the study area or within 10,000 feet of the primary alternative routes.
152. The number of microwave towers and other electronic communication towers located within 2,000 feet of any of the primary alternative routes ranges from zero for Routes 14 and 16 to nine for Route 11.
153. The number of electronic installations within 2,000 feet of a primary alternative route centerline are shown in Table 4-4 of the EA, along with general descriptions of the installations and their distances from the nearest primary alternative route segment.
154. The Caldwell Municipal Airport has a runway length of greater than 3,200 feet and is within 20,000 feet of each of the primary alternative routes.
155. One private airstrip and the private Weber Ranch Airport (each with a runway length of 3,200 feet or less) are within 10,000 feet of one or more of the primary alternative routes.
156. There are no public FAA-registered airports or military airstrips with runways shorter than 3,200 feet within 10,000 feet of any of the primary alternative routes.
157. One FAA-registered heliport, the Burleson County Hospital Heliport, is within 5,000 feet of one or more of the primary alternative routes.
158. LCRA TSC has identified, listed, and described each airport, airstrip, and heliport, with the approximate distance from the centerline of each of the primary alternative routes, in Table 4-3 and Appendix D of the EA.
159. No landowners have made requests for specific reconfigurations or modifications to accommodate landowner preferences.
160. Routing the line through Key Energy Service, LLC.'s business property as proposed by Route 7 would pose a health and safety risk due to Key Energy's rig maintenance and training exercises. The rigs maintained and serviced by Key Energy are the same height as the transmission line poles. If the rigs come into contact with the transmission lines, it could cause health and safety risks for the employees of Key Energy. If Route 7 is chosen, it could compromise Key Energy's ability to continue its rig maintenance and training activities.
161. Route 12 would not adversely impact Key Energy's business or operations.
162. Route 12 would not adversely impact Atmos's natural gas steel pipelines located in the study area.

*TPWD's Comments and Recommendations*

163. TPWD provided information and recommendations regarding the preliminary study area for this project to URS on November 6, 2017.
164. On July 27, 2018, after the Application had been filed, TPWD filed a letter containing its comments and recommendations regarding the Project.
165. In its comments, TPWD recommended Route 21 for the Project.
166. URS and LCRA TSC have taken into consideration the recommendations offered by TPWD.
167. Once a route is approved by the Commission, LCRA TSC can undertake on-the-ground measures to identify potential endangered or threatened species habitat and respond appropriately.
168. LCRA TSC will use avoidance and mitigation procedures to comply with laws protecting federally listed species.
169. LCRA TSC will revegetate the new ROW as necessary and according to LCRA TSC's vegetation management practices, the Storm Water Pollution Prevention Plan (SWPPP) developed for construction of the Project, and, in many instances, landowner preferences or requests.
170. LCRA TSC's standard vegetation removal, construction, and maintenance practices adequately mitigate concerns expressed by TPWD.
171. LCRA TSC will use appropriate avian protection procedures.
172. LCRA TSC will comply with all environmental laws and regulations, including those governing threatened and endangered species.
173. LCRA TSC will comply with all applicable regulatory requirements in constructing the proposed transmission facilities, including any applicable requirements under Section 404 of the Clean Water Act.
174. LCRA will cooperate with USFWS and TPWD if threatened or endangered species habitats are identified during field surveys.
175. Environmental permitting and mitigation measures are determined after a route is approved by the Commission and on-the-ground surveys are completed for the route. Should construction impact federally listed species or their habitat or impact water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality (TCEQ), LCRA TSC will cooperate with the USFWS, United States Army Corps of Engineers and TCEQ to obtain permits and any required mitigation.

176. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with LCRA TSC's current practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address TPWD's comments and recommendations.
177. Route 12 does not include any of the route segments identified by TPWD as concerning from the standpoint of threatened or endangered species.

**Effect on the State's Renewable Energy Goal**

178. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
179. The proposed Project cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

**Limitation of Authority**

180. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
181. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order for LCRA TSC to construct the transmission facilities.

**B. Conclusions of Law**

1. LCRA TSC is an electric utility as defined in PURA §§ 11.004(1) and 31.002(6).
2. The Commission has jurisdiction over this matter pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
3. LCRA TSC must obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.
4. SOAH has jurisdiction to conduct a hearing on the merits and prepare a proposal for decision as required by PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
5. The Application is sufficient under 16 TAC § 22.75(d).
6. This docket was processed in accordance with the requirements of PURA, Texas Government Code §§ 2001.001-.902, and the Commission's rules.
7. LCRA TSC provided proper notice of the Application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).

8. Additional notice of the approved route is not required.
9. Except in regard to DOD, LCRA TSC provided notice of the public open house meeting in compliance with 16 TAC § 22.52(a)(4).
10. Good cause exists under 16 TAC § 22.5 to grant an exception to the requirement in 16 TAC § 22.52(a)(4) that notice be provided to the DOD of the public open house meeting.
11. The hearing on the merits was set and notice of the hearing was provided in compliance with PURA § 37.054 under Texas Government Code §§ 2001.051 and 2001.052.
12. The proposal for decision's recommended route is necessary for the service, accommodation, convenience or safety of the public within the meaning of PURA § 37.056(a).
13. The Texas Coastal Management Program does not apply to any of the transmission facilities proposed in the Application and the requirements of 16 TAC § 25.102 do not apply to the Application.
14. No modifications to the Project are required as a result of the recommendations and comments made by TPWD.

**C. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:


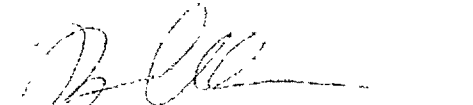
1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, except as discussed in this order.
2. The Commission amends LCRA TSC's CCN No. 30110 to include the construction and operation of the Cooks Point Substation, a new load-serving electric substation located in the vicinity of the Cooks Point community in northern Burleson County (near the intersection of State Highway 21 and Farm-to-Market Road 1362), and a new 138-kV transmission line that will connect the new Cooks Point Substation to the existing BBEC Lyle Wolz Substation. The new Cooks Point Substation will be located at proposed substation site 4 and the new transmission line shall be built using segments A-B-S3-P-R3-H1-M1-C2-L2-Q2-V2-W2.
3. The authority granted by this Order is limited to a period of seven years from the date the order is signed unless, before that time, the transmission line is commercially energized.

4. LCRA TSC must coordinate with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of AC interference on existing natural gas pipelines that are paralleled by the proposed electric transmission facilities.
5. LCRA TSC must conduct surveys to identify pipelines that could be affected by the proposed transmission line, if not already completed, and coordinate with pipeline owners in modeling and analyzing potential hazards because of AC interference affecting pipelines being paralleled.
6. In the event LCRA TSC or its contractors encounter any archaeological artifacts or other cultural resources during project construction, work must cease immediately in the vicinity of the artifact or resource and the discovery must be reported to the Texas Historical Commission. In that situation, LCRA TSC must take action as directed by the Texas Historical Commission.
7. Before beginning construction, LCRA TSC must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
8. LCRA TSC must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
9. LCRA TSC must follow the procedures to protect raptors and migratory birds as outlined in the publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, APLIC, 2012, Edison Electric Institute and Avian Power Line Interaction Committee (APLIC), Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006*, Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, APLIC and United States Fish and Wildlife Service (USFWS), 2005. LCRA TSC must take precautions to avoid disturbing occupied nests and take steps to minimize the impact of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
10. LCRA TSC must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way, and must ensure that such herbicide use complies with rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with Texas Department of Agriculture regulations.
11. LCRA TSC must minimize the amount of flora and fauna disturbed during construction of the transmission line project, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, LCRA TSC must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, LCRA TSC must avoid adverse

environmental impact to sensitive plant and animal species and their habitats, as identified by TPWD and the USFWS.

12. LCRA TSC must implement erosion control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. LCRA TSC must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. LCRA TSC will not be required to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the project's structures or the safe operation and maintenance of the line.
13. LCRA TSC must cooperate with directly affected landowners to implement minor deviations from the approved route to minimize the impact of the proposed transmission line project. Any minor deviation from the approved route must only directly affect the landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and landowners who have agreed to the minor deviation.
14. LCRA TSC is not authorized to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without further amending its CCN.
15. If possible, and subject to the other provisions of this Order, LCRA TSC must prudently implement appropriate final design for this transmission line so as to avoid being subject to the FAA's notification requirements. If required by federal law, LCRA TSC must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. LCRA TSC is not authorized to deviate materially from this Order to meet the FAA's recommendations or requirements. If a material change would be necessary to comply with the FAA's recommendations or requirements, then LCRA TSC must file an application to amend its CCN as necessary.
16. LCRA TSC must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission facilities. If LCRA TSC fails to obtain any such permit, license, plan, or permission, LCRA TSC must notify the Commission immediately.
17. LCRA TSC must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, LCRA TSC must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when all costs have been identified.
18. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted, are denied.

SIGNED April 11, 2019.

  
\_\_\_\_\_  
JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
\_\_\_\_\_  
RUDY CALDERON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**  
**300 West 15th Street Suite 504**  
**Austin, Texas 78701**  
**Phone: (512) 475-4993**  
**Fax: (512) 322-2061**

**SERVICE LIST**

**AGENCY:** Public Utility Commission of Texas (PUC)  
**STYLE/CASE:** LCRA TRANSMISSION SERVICES CORPORATION (48358)  
**SOAH DOCKET NUMBER:** 473-18-5064  
**REFERRING AGENCY CASE:** 48358

---

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ Joanne Summerhays**

---

**REPRESENTATIVE / ADDRESS**

**PARTIES**

ANN M. COFFIN  
ATTORNEY  
COFFIN RENNER LLP  
1011 W. 31ST STREET  
AUSTIN, TX 78705  
(512) 879-0900 (PH)  
(512) 879-0912 (FAX)  
ann.coffin@crtxlaw.com

ATMOS PIPELINE-TEXAS

---

KIRK D. RASMUSSEN  
ATTORNEY  
ENOCH KEVER PLLC  
5918 W. COURTYARD DR, SUITE 500  
AUSTIN, TX 78730  
(512) 615-1203 (PH)  
(512) 615-1198 (FAX)  
krasmussen@enochkever.com

LCRA TRANSMISSION SERVICES CORP

---

CLAYTON D. NANCE  
ATTORNEY AT LAW  
RASH, CHAPMAN, SCHREIBER, LEAVERTON &  
MORRISON, LLP  
2112 RIO GRANDE STREET  
AUSTIN, TX 78705  
(512) 477-7543 (PH)  
(512) 474-0954 (FAX)

KEY ENERGY SERVICES, L.L.C.

---

RICHARD NEMER  
STAFF ATTORNEY  
PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION  
1701 N. CONGRESS AVE PO BOX 13326  
AUSTIN, TX 78711-3326  
(512) 936-7348 (PH)  
(512) 936-7268 (FAX)  
richard.nemer@puc.texas.gov

PUBLIC UTILITY COMMISSION OF TEXAS

---

TYLER TOPPER  
BURDETT MORGAN WILLIAMSON & BOYKIN, LLP  
701 SOUTH TAYLOR LB 103  
AMARILLO, TX 79101  
(806) 358-8116 (PH)  
(806) 350-7642 (FAX)  
ttopper@bmwb-law.com

O'KEEFE, HOOD LLP

DONALD KRAUSE ET AL

OLD ARMY RANCH, LLC

CHRISTOPHER & CHRISTEL CHMELAR

---

PHIL GAMBLE  
LAW OFFICE OF PHIL GAMBLE  
919 CONGRESS AVE., STE 1030  
AUSTIN, TX 78701  
(512) 476-1920 (PH)  
(512) 473-0102 (FAX)

DGP INTRASTATE NETWORK, LLC

---

WILLIAM ALLEN LANGE, JR  
LANGE FAMILY PROPERTIES  
13805 TOPSAIL ST  
CORPUS CHRISTI, TX 78418  
(571) 213-3868 (PH)  
bankslange@gmail.com

LANGE FAMILY PROPERTIES

---

CAROL ANN CHRISTIAN AND RONALD STERN  
1219 WOOD HAVEN COURT  
SUGAR LAND, TX 77479  
(281) 937-9188 (PH)

CAROL ANN CHRISTIAN AND RONALD STERN

JAMES SIPTAK  
2709 PERRY LANE  
ALVIN, TX 77511  
(713) 562-2117 (PH)  
jfsiptak@usa.com

JAMES SIPTAK

---

ROBERT TOLAR  
2257 AUSTIN HIGHWAY  
SAN ANTONIO, TX 78218  
(210) 723-7414 (PH)  
bslrbob@gmail.com

ROBERT TOLAR

---

JOHN SIPTAK  
4718 GOLF DRIVE  
HOUSTON, TX 77018-3229  
(832) 247-9615 (PH)  
johnsiptak@gmail.com

JOHN SIPTAK

---

RONALD H STERN  
2319 ROBINHOOD  
HOUSTON, TX 77005  
(713) 724-8284 (PH)  
(281) 340-8118 (FAX)

RONALD H STERN

---

LAMPE PARTNERS, L.P.  
P O BOX 2037  
BRENNHAM, TX 77834

LAMPE PARTNERS, L.P.

---

JOEL WAYNE PEMBLETON  
1233 COUNTY ROAD 307  
CALDWELL, TX 77836  
(817) 454-9933 (PH)

JOEL WAYNE PEMBLETON

---

NOVELLA & KENNETH HRONEK, SR  
424 COUNTY ROAD 214  
CALDWELL, TX 77836  
(979) 272-8040 (PH)  
(979) 412-3720 (CELL)

NOVELLA & KENNETH HRONEK, SR

---

SARAH HRONEK  
541 COUNTY ROAD 214  
CALDWELL, TX 77836  
(979) 450-2338 (PH)  
hronek@anco.com

SARAH HRONEK

---

LEDA LONG-WILLIAMS  
2180 COUNTY ROAD 205  
CALDWELL, TX 77836  
(979) 571-7027 (PH)

LEDA LONG-WILLIAMS

---

JASON PAUL HRONEK  
5678 HWY 21 EAST  
CALDWELL, TX 77836  
(979) 412-3463 (PH)

JASON PAUL HRONEK

---

KATHERINE FRASER  
4623 COUNTY ROAD 236  
CALDWELL, TX 77836  
(979) 777-8429 (PH)  
baxtermattie3@gmail.com

KATHERINE FRASER

---

JOHN & SHERRY ADAMS  
4742 COUNTY ROAD 236  
CALDWELL, TX 77836  
(979) 229-9012 (PH)

JOHN & SHERRY ADAMS

---

T L & JUNE CALVIN  
4751 COUNTY ROAD 236  
CALDWELL, TX 77836  
(979) 272-8636 (PH)

T L & JUNE CALVIN

---

DAVID & RHONDA WOLZ  
5212 COUNTY ROAD 236  
CALDWELL, TX 77836  
(979) 820-5443 (PH)

DAVID & RHONDA WOLZ

---

TIMOTHY GOFF  
384 COUNTY ROAD 102  
CALDWELL, TX 77836  
(979) 777-4097 (PH)

TIMOTHY GOFF

MARY GOFF  
428 COUNTY ROAD 102  
CALDWELL, TX 77836  
(979) 567-7450 (PH)

MARY GOFF

---

PATRICIA & THOMAS NOVOSAD  
1721 COUNTY ROAD 102  
CALDWELL, TX 77836  
(210) 410-0376 (PH)  
(979) 412-2421 (CELL)  
tnovosad@gmail.com

PATRICIA & THOMAS NOVOSAD

---